

Public Document Pack

MID DEVON DISTRICT COUNCIL

A **MEETING** of the **MID DEVON DISTRICT COUNCIL** will be remotely on Wednesday, 1 July 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 August 2020 at 6.00 pm]

STEPHEN WALFORD

Chief Executive

23 June 2020

Important – this meeting will be conducted and recorded by Zoom only. Please do not attend Phoenix House. The attached Protocol for Remote meetings explains how this will work.

Join Zoom Meeting

<https://zoom.us/j/95083797752?pwd=K3V6ZUtJdE8wSDIFUm5BVkxNSzdVZz09>

Meeting ID: 950 8379 7752

Password: 662290

One tap mobile

08002605801,,95083797752#,,,,0#,,662290# United Kingdom Toll-free

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Dial by your location

0 800 260 5801 United Kingdom Toll-free

0 800 358 2817 United Kingdom Toll-free

0 800 031 5717 United Kingdom Toll-free Meeting ID: 950 8379 7752

Password: 662290

Find your local number: <https://zoom.us/u/adQL4k9KMg>

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

AGENDA

- 1 **Apologies**
To receive any apologies for absence.
- 2 **Protocol for Remote meetings** (*Pages 7 - 12*)
To note the procedures for the meeting.
- 3 **Public Question Time**
To receive any questions relating to items on the agenda from members of the public and replies thereto.

4 **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.

5 **Minutes** (*Pages 13 - 24*)

Members to consider whether to approve the minutes as a correct record of the meeting held on 26 February 2020.

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.

6 **Chairman's Announcements**

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

7 **Petitions**

To receive any petitions from members of the public.

8 **Notices of Motions**

(1) Motion 563 (Councillors: B Holdman and L D Taylor – 19 May 2020)

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

That:

a) This Council resolves to hold all member briefings and working/advisory groups (where practicable) remotely in the future which will aid the reduction of carbon emissions and provide significant savings on Members travel expenses.

b) This Council agrees to lobby central Government requesting that Regulation 5 of the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel meetings) (England and Wales) Regulations 2020 be extended past May 2021 and be formed into new legislation allowing Members to have the option to attend any meeting of the Council either in person or remotely.

In accordance with Procedure Rule 14.4, the Chairman of the Council has decided to allow this motion (if moved and seconded) to be dealt with at this meeting.

9

Reports (Pages 25 - 160)

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

(1) Cabinet

- 23 April 2020
- 7 May 2020
- 11 June 2020

2) Scrutiny Committee

- 18 May 2020
- 1 June 2020
- 22 June 2020 (to follow)

(3) Audit Committee

- 2 June 2020
- 23 June 2020 (to follow)

(4) Environment Policy Development Group

- 10 March 2020

(5) Homes Policy Development Group

- 17 March 2020

(6) Economy Policy Development Group

- 12 March 2020
- 4 June 2020

(7) Planning Committee

- 11 March 2020
- 20 May 2020
- 17 June 2020

(8) Standards Committee

- 10 June 2020

(9) Licensing Committee

- 19 June 2020

(10) Regulatory Committee

- 19 June 2020

10 **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.

11 **Political Allocation** (*Pages 161 - 162*)
The attached draft political allocation reflects the current membership of the Council. The line shown highlighted in yellow (Committee :Total) indicates that both the Liberal Democrat Group and the Independent Group need to lose a committee/PDG seat each. The Green Group needs to gain 2 seats. Previously, the Council agreed a balance which saw the Green Group have a seat on the Environment PDG – the Council may want this to continue. The draft allocation has previously been circulated to Group Leaders and they wish to agree a proposal to bring forward to the meeting.

12 **Special Urgency Decisions**
Decisions taken under Rule 16 (of the Constitution) Special Urgency – between January – June 2020..

There have been no such decisions in this period.

13 **Annual Reports of Audit Committee, Scrutiny Committee and the Policy Development Groups** (*Pages 163 - 180*)
To receive the annual reports from the Chairmen of the Audit Committee, Scrutiny Committee and the Policy Development Groups.

14 **Questions to Cabinet Members**
Cabinet Members will answer questions from Members on their Portfolios.

15 **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.

Covid-19 and meetings

The Council will be holding some meetings in the next few weeks, but these will not be in person at Phoenix House until the Covid-19 crisis eases. Instead, the meetings will be held remotely via Zoom and you will be able to join these meetings via the internet. Please see the instructions on each agenda and read the Protocol on Remote Meetings before you join.

If you want to ask a question or speak, email your full name to Committee@middevon.gov.uk by **no later than 4pm on the day before the meeting**. This will ensure that your name is on the list to speak and will help us ensure that you are not missed – as you can imagine, it is easier to see and manage public speaking when everyone is physically present in the same room. Notification in this way will ensure the meeting runs as smoothly as possible.

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:
E-Mail: sgabriel@middevon.gov.uk

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Mid Devon District Council - Remote Meetings Protocol

1. Introduction

The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations permit remote attendance in Local Authority meetings.

Remote attendance is permitted as long as certain conditions are satisfied. These include that the Member is able to hear and be heard by the other Members in attendance. Also, being able to hear and be heard by any members of the public entitled to attend the meeting (in line with the public participation scheme). A visual solution is preferred, but audio is sufficient.

This also relates to members of the public attending the meeting also being heard. The regulations are clear that a meeting is not limited to those present in the same place, but includes electronic, digital or virtual locations (internet locations, web addresses or conference call telephone numbers).

2. Zoom

Zoom is the system the Council will be using for the time-being to host remote / virtual meetings. It has functionality for audio, video, and screen sharing and you do not need to be a member of the Council or have a Zoom account to join a Zoom meeting.

3. Access to documents

Member Services will publish the agenda and reports for committee meetings on the Council's website in line with usual practice. Paper copies of agendas will only be made available to those who have previously requested this and also the Chair of a virtual meeting.

If any other Member wishes to have a paper copy, they must notify the Member Services before the agenda is published, so they can arrange to post directly – it may take longer to organise printing, so as much notice as possible is appreciated. Printed copies will not be available for inspection at the Council's offices and this requirement was removed by the Regulations.

4. Setting up the Meeting

This will be done by Member Services. They will send a meeting request via Outlook which will appear in Members' Outlook calendar. Members will receive a URL link to click on to join the meeting.

5. Public Access

Members of the public will be able to use a weblink and standard internet browser. This will be displayed on the front of the agenda.

6. Joining the Meeting

Councillors must join the meeting early (i.e. at least **five** minutes before the scheduled start time) in order to avoid disrupting or delaying the meeting. Councillors should remember that they may be visible and heard by others, including the public, during this time.

7. Starting the Meeting

At the start of the meeting, the Member Services Officer will check all required attendees are present (viewing the participant list) and that there is a quorum. If there is no quorum, the meeting will be adjourned. This applies if, during the meeting, it becomes inquorate for whatever reason.

The Chair will remind all Members, Officers and the Public that **all microphones will be automatically muted**, unless and until they are speaking. This prevents background noise, coughing etc. which is intrusive and disruptive during the meeting. The Hosting Officer will enforce this and will be able to turn off participant mics when they are not in use. Members would then need to turn their microphones back on when they wish to speak.

8. Public Participation

Participation by members of the public will continue in line with the Council's current arrangements as far as is practicable. However, to ensure that the meeting runs smoothly and that no member of the public is missed, all those who wish to speak must register **by 4pm on the day before the meeting**. They should email their full name to Committee@middevon.gov.uk. If they wish to circulate their question in advance, that would be helpful.

At public question time, the Chair will invite the public by name to speak at the appropriate time. At that point, all public microphones will be enabled. This means that, to avoid private conversations being overheard, no member of the public should speak until it is their turn and they should then refrain from speaking until the end of public question time, when all microphones will be muted again. In the normal way, the public should state their full name, the agenda item they wish to speak to **before** they proceed with their question.

Unless they have registered, a member of the public will not be called to speak.

If a member of the public wishes to ask a question but cannot attend the meeting for whatever reason, there is nothing to prevent them from emailing members of the Committee with their question, views or concern in advance. However, if they do so, it would be helpful if a copy could be sent to Committee@middevon.gov.uk as well.

9. Declaration of Interests

Councillors should declare their interests in the usual way. A councillor with a disclosable pecuniary interest is required to leave the room. For remote meetings, this means that they will be moved to a break-out room for the duration

of this item and will only be invited back into the meeting when discussion on the relevant item has finished.

10. The Meeting and Debate

The Council will not be using the Chat function.

The Chair will call each member of the Committee to speak - the Chair can choose to do this either by calling (i) each member in turn and continuing in this way until no member has anything more to add, or (ii) only those members who indicate a wish to speak using the 'raise hand' function within Zoom. This choice will be left entirely to the Chair's discretion depending on how they wish to manage the meeting and how comfortable they are using the one or the other approach.

Members are discouraged from physically raising their hand in the video to indicate a wish to speak – it can be distracting and easily missed/misinterpreted. No decision or outcome will be invalidated by a failure of the Chair to call a member to speak – the remote management of meetings is intensive and it is reasonable to expect that some requests will be inadvertently missed from time to time.

When referring to reports or making specific comments, Councillors should refer to the report and page number, so that all Members of the Committee have a clear understanding of what is being discussed at all times.

11. Voting

On a recommendation or motion being put to the vote, the Chair (or the Member Services Officer) will go round the virtual room and ask each member entitled to vote to say whether they are for or against or whether they abstain. The Member Services Officer will announce the numerical result of the vote.

12. Meeting Etiquette Reminder

- Mute your microphone – you will still be able to hear what is being said.
- Only speak when invited to do so by the Chair.
- Speak clearly and please state your name each time you speak
- If you're referring to a specific page, mention the page number.

13. Part 2 Reports and Debate

There are times when council meetings are not open to the public, when confidential, or "exempt" issues – as defined in Schedule 12A of the Local Government Act 1972 – are under consideration. It is important to ensure that there are no members of the public at remote locations able to hear or see the proceedings during such meetings.

Any Councillor in remote attendance must ensure that there is no other person present – a failure to do so could be in breach of the Council's Code of Conduct.

If there are members of the public and press listening to the open part of the meeting, then the Member Services Officer will, at the appropriate time, remove them to a break-out room for the duration of that item. They can then be invited back in when the business returns to Part 1.

Please turn off smart speakers such as Amazon Echo (Alexa), Google Home or smart music devices. These could inadvertently record phone or video conversations, which would not be appropriate during the consideration of confidential items.

14. Interpretation of standing orders

Where the Chair is required to interpret the Council's Constitution and procedural rules in light of the requirements of remote participation, they may take advice from the Member Services Officer or Monitoring Officer prior to making a ruling. However, the Chair's decision shall be final.

15. Disorderly Conduct by Members

If a Member behaves in the manner as outlined in the Constitution (persistently ignoring or disobeying the ruling of the Chair or behaving irregularly, improperly or offensively or deliberately obstructs the business of the meeting), any other Member may move 'That the member named be not further heard' which, if seconded, must be put to the vote without discussion.

If the same behaviour persists and a Motion is approved 'that the member named do leave the meeting', then they will be removed as a participant by the Member Services Officer.

16. Disturbance from Members of the Public

If any member of the public interrupts a meeting the Chair will warn them accordingly. If that person continues to interrupt or disrupt proceedings the Chair will ask the Member Services Officer to remove them as a participant from the meeting.

17. After the meeting

Please ensure you leave the meeting promptly by clicking on the red phone button to hang up.

18. Technical issues

In the event that the Chair, the Hosting Officer or the Member Services Officer identifies a problem with the systems from the Council's side, the Chair should declare a recess while the fault is addressed. If it is not possible to address the fault and the meeting becomes inquorate through this fault, the meeting will be adjourned until such time as it can be reconvened.

If the meeting was due to determine an urgent matter or one which is time-limited and it has not been possible to continue because of technical difficulties, the Chief Executive, Leader and relevant Cabinet Member, in consultation with the Monitoring Officer, shall explore such other means of taking the decision as may be permitted by the Council's constitution.

For members of the public and press who experience problems during the course of a meeting e.g. through internet connectivity or otherwise, the meeting will not be suspended or adjourned.

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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **COUNCIL** held on 26 February 2020 at 6.00 pm

Present

Councillors

L J Cruwys (Chairman)
G Barnell, E J Berry, W Burke, J Cairney,
R J Chesterton, S J Clist, Mrs 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, R L Stanley,
L D Taylor, Ms E J Wainwright,
B G J Warren, A White, A Wilce,
Mrs N Woollatt, J Wright and A Wyer

Apologies

Councillors

Mrs E M Andrews, Mrs C Collis, Mrs I Hill
and Mrs M E Squires

123 Councillor John Daw and Honorary Alderman Eric Shapland

Those in attendance observed a minute's silence in memory of Councillor John Daw and Honorary Alderman Eric Shapland.

124 Apologies (00-12-41)

Apologies were received from Councillors: Mrs E M Andrews, Mrs C A Collis, Mrs I Hill and Mrs M Squires.

125 Public Question Time (00-13-13)

Mr Welchman referring to the Planning Committee reports asked for clarification with regard to the status of the Tidcombe Hall planning application which in his view would endanger life and increase flooding issues in the area. He stated that recent events had highlighted a contradiction that some schemes were only a one in a one hundred year event. He requested that he be informed of the latest news with regard to the application.

The Chairman indicated that he was not aware that an application for the site had been submitted but would request that a written response be sent to Mr Welchman.

126 Declarations of Interest under the Code of Conduct (00-15-16)

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

127 Minutes (00-15-16)

The minutes of the meeting held on 8 January 2020 were agreed as a correct record and signed by the Chairman.

128 Chairman's Announcements (00-16-42)

The Chairman had the following announcements to make:

- He had attended the funeral of Councillor John Daw on 4 February and also the funeral of Honorary Alderman Eric Shapland that morning.
- He had also recently attended the Tiverton Junior Operatic Production of 'Happy Days'.
- He informed Members of an Extraordinary Meeting that would take place on the rising of the normal Council meeting on 29 April to consider the appointment of Honorary Aldermen.

129 Petitions (00-18-02)

There were no petitions presented.

130 Notices of Motions (00-18-19)

(1) Motion 561 (Councillor R B Evans – 17 December 2019)

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

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.

The Cabinet at its meeting on 13 February 2020 were due to consider the motion. At the meeting Councillor Evans requested that the motion be **WITHDRAWN**.

It was therefore **NOTED** that in accordance with Procedure Rule 16.6, Councillor R B Evans had requested that Motion 561 be **WITHDRAWN**.

(2) Motion 562 (Councillor R B Evans – 17 December 2019)

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

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.

The Cabinet at its meeting on 13 February 2020 considered the Motion and following discussion RECOMMENDED to Council that Motion 562 be supported.

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

131 **Reports - Cabinet Meeting 16 January 2020 (00-20-48)**

The Leader presented the report of the meeting of the Cabinet held on 16 January 2020

1. Tax Base Calculation (Minute 120)

The Leader **MOVED** seconded by Councillor A White:

THAT the recommendations of the Cabinet as set out in Minute 120 be **ADOPTED**.

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

2. Corporate Plan (Minute 122)

The Leader **MOVED** seconded by Councillor Mrs N Woollatt:

THAT the recommendations of the Cabinet as set out in Minute 122 be **ADOPTED**.

Councillor R L Stanley **MOVED AN AMENDMENT** seconded by Councillor R J Chesterton:

Page 69 bullet point 4 within the Homes section to remove the wording “Lobby to see the abolition of the Right to Buy or.....” and replace with the following: “Lobby for the devolvement of discounting powers to individual local housing authorities”.

Following discussion and upon a vote being taken, the **AMENDMENT** was declared to have **FAILED**.

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

132 **Cabinet - Report of the meeting held on 13 February 2020 (00-35-33)**

The Leader presented the report of the meeting of the Cabinet held on 13 February 2020.

1. Budget (Minute 146)

The Leader **MOVED** seconded by Councillor A White:

THAT the recommendations of the Cabinet as set out in Minute 146 (a) – (g) be **ADOPTED**.

Councillor C J Eginton **MOVED AN AMENDMENT** seconded by Councillor C R Slade that:

Recommendation (b) to be amended to read; General Fund budget for 2020/21 to be approved subject to the reinstatement of the Weed Team at a cost of £53k.

Recommendation (d) to be amended to read; The General Fund budget requires a temporary transfer of £337k from New Homes Bonus EMR.

Following discussion Councillor C J Eginton **MOVED** in accordance with Procedure Rule 19.4

“THAT the vote in respect of this **AMENDMENT** shall be by Roll Call”

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

Those voting **FOR** the **AMENDMENT**: Councillors E J Berry, J Cairney, R J Chesterton, Mrs F J Colthorpe, D R Coren, N V Davey, Mrs C P Daw, R J Dolley, C J Eginton, R B Evans, Mrs S Griggs, T G Hughes, B A Moore, S J Penny, R F Radford, C R Slade, and R L Stanley.

Those voting **AGAINST** the **AMENDMENT**: Councillors: G Barnell, S J Clist, L J Cruwys, R M Deed, J M Downes, B Holdman, D J Knowles, F W Letch, E G Luxton, Miss J Norton, D F Pugsley, L D Taylor, Ms E J Wainwright, B G J Warren, A White, A Wilce, Mrs N Woollatt, J Wright and A Wyer.

Those **ABSTAINING** from voting: Councillor: W Burke.

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

The Chairman **MOVED** in accordance with Procedure Rule 19.7:

“THAT the vote in respect of the original **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, W Burke, J Cairney, S J Clist, L J Cruwys, R M Deed, R J Dolley, J M Downes, B Holdman, D J Knowles, F W Letch, E G Luxton, Miss J Norton, D F Pugsley, L D Taylor, Ms E J Wainwright, B G J Warren, A White, A Wilce, Mrs N Woollatt, J Wright and A Wyer

Those voting **AGAINST** the **MOTION**: Councillors: E J Berry, R J Chesterton, Mrs F J Colthorpe, D R Coren, N V Davey, Mrs C P Daw, C J Eginton, R B Evans, Mrs S Griggs, T G Hughes, B A Moore, S J Penny, R F Radford, C R Slade and R L Stanley.

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

2. Capital Programme (Minute 147)

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

THAT the recommendations of the Cabinet as set out in Minute 147 be **ADOPTED**.

The Chairman **MOVED** in accordance with Procedure Rule 19.7:

“**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, S J Clist, Mrs F J Colthorpe, D R Coren, L J Cruwys, N V Davey, Mrs C P Daw, R M Deed, R J Dolley, J M Downes, C J Eginton, R B 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, R L Stanley, L D Taylor, Ms E J Wainwright, B G J Warren, A White, A Wilce, Mrs N Woollatt, J Wright and A Wyer.

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

(3) Capital Strategy (Minute 148)

The Leader **MOVED**, seconded by Councillor Mrs N Woollatt:

THAT the recommendation of the Cabinet as set out in Minute 148 be **ADOPTED**.

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

(4) Treasury Management Strategy and Annual Investment Strategy (Minute 149)

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

THAT the recommendation of the Cabinet as set out in Minute 149 be **ADOPTED**.

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

(5) Policy Framework (Minute 150)

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

THAT the recommendation of the Cabinet as set out in Minute 150 be **ADOPTED**.

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

(6) Establishment (Minute 151)

The Leader **MOVED**, seconded by Councillor C R Slade:

THAT the recommendation of the Cabinet as set out in Minute 151 be **ADOPTED**.

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

(7) Pay Policy (Minute 152)

The Leader **MOVED**, seconded by Councillor D J Knowles:

THAT the recommendation of the Cabinet as set out in Minute 152 be **ADOPTED**.

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

Note: Councillor B G J Warren declared a personal interest in (1 - Budget) as a member of Willand Parish Council.

133 Council Tax Resolution 2020/2021 (1-46-17)

The Chairman **MOVED**,

“THAT the Council Tax for 2020/21 be increased by 2.45% being £208.84 (in accordance with the revised referendum limit ability of 2% or £5 per Band D property)”

With regard to the draft Council Tax resolution in respect of the year 2020/21:

The Chairman then **MOVED** in accordance with Procedure Rule 19.7:

“THAT the vote in respect of this item 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, S J Clist, Mrs F J Colthorpe, D R Coren, L J Cruwys, N V Davey, Mrs C P Daw, R M Deed, R J Dolley, J M Downes, C J Eginton, R B 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, R L Stanley, L D Taylor, Ms E J Wainwright, B G J Warren, A White, A Wilce, Mrs N Woollatt, J Wright and A Wyer.

The **MOTION** was declared to have been **CARRIED** and it was accordingly:-

RESOLVED that the recommendations within the report be approved.

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

134 Reports - Scrutiny Committee – Report of the meeting held on 27 January 2020 (1-50-41)

The Chairman of the Scrutiny Committee presented the report of the meeting of the Committee held on 27 January 2020.

135 Scrutiny Committee Report - 24 February 2020 (1-51-24)

The Chairman of the Scrutiny Committee presented the report of the meeting of the Committee held on 24 February 2020.

136 Audit Committee - Report of the meeting held on 28 January 2020 (1-52-14)

The Chairman of the Audit Committee presented the report of the meeting of the Committee held on 28 January 2020.

137 Environment Policy Development Group - Report of the meeting held on 14 January 2020 (1-52-44)

The Chairman of the Environment Policy Development Group presented the report of the meeting of the Group held on 14 January 2020.

138 Environment Policy Development Group - Report of the special meeting held on 30 January 2020 (1-53-12)

The Chairman of the Environment Policy Development Group presented the report of the special meeting of the Group held on 30 January 2020.

139 Homes Policy Development Group - Report of the meeting held on 21 January 2020 (1-53-45)

Councillor D R Coren presented the report of the meeting of the Group held on 21 January 2020.

140 Economy Policy Development Group - Report of the meeting held on 23 January 2020 (1-55-00)

The Chairman of the Economy Policy Development Group presented the report of the meeting of the Group held on 23 January 2020.

141 Community Policy Development Group - Report of the meeting held on 28 January 2020 (1-55-40)

The Chairman of the Community Policy Development Group presented the report of the meeting of the Group held on 28 January 2020.

142 Planning Committee - Report of the meeting held on 15 January 2020 (1-56-10)

The Chairman of the Planning Committee presented the report of the meeting of the Committee held on 15 January 2020.

143 Planning Committee - Report of the meeting held on 12 February 2020 (1-56-59)

The Chairman of the Planning Committee presented the report of the meeting of the Committee held on 12 February 2020.

144 Standards Committee - Report of the meeting held on 5 February 2020 (1-57-49)

The Chairman of the Standards Committee presented the report of the meeting of the Committee held on 5 February 2020.

1. Governance Arrangements (Minute 27)

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

THAT the recommendations of the committee as set out in Minute 27 be **ADOPTED**.

Councillor R B Evans **MOVED AN AMENDMENT** seconded by Councillor B A Moore that:

Recommendation (ii) 3.2 be amended to state that: The effect of the resolution under rule 3.1, is that the decision will stand deferred to the next meeting of the cabinet which follows the council's consideration of the matter in question. In order that delay in decisions being made is kept to an absolute minimum the following should apply: 1). No decision can be deferred if the next full council meeting would be longer than a maximum of 6 (six) weeks following the cabinet meeting considering a deferral. 2). The cabinet meeting to consider councils views is more than 8 weeks from the original cabinet meeting

Following discussion and upon a vote being taken the **AMENDMENT** was declared to have **FAILED**.

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

145 Questions in accordance with Procedure Rule 13 (2-08-06)

There were no questions submitted under Procedure Rule 13.2.

146 Special Urgency Decisions (2-08-18)

With regard to any decisions taken under Rule 16 (of the Constitution) Special Urgency – October to December 2019. The Chairman informed the meeting that no such decisions had been taken in this period.

147 Independent Remuneration Panel Report (2-08-32)

The Council had before it a * report of the Head of Legal (Monitoring Officer) informing Members of a review undertaken by the Independent Remuneration Panel and their recommendations.

The Chairman **MOVED, THAT:**

- a) The Basic Allowance to be paid to all Councillors remains at the current level of £5112.15 p.a., with any increases being linked to but not greater than the staff pay award.
- b) Special Responsibility Allowances ("SRA") be paid to the following Members at the levels indicated:

Position	Weighting basic	x	SRA
Leader of the Council	3.00		£15,336
Deputy Leader	1.50		£7668
Cabinet Member	1.25		£6390
Scrutiny Committee Chair	1.25		£6390
PDG Chair	0.75		£3834
Audit Committee Chair	0.75		£3834
Planning Committee Chair	1.25		£6390
Licensing/Regulatory Chair	0.25		£1278
Standards Chair	0.25		£1278
Chairman of the Council	0.50		£2556

- c) No Member should be entitled to claim more than **one** Special Responsibility Allowance.
- d) Carers' allowances be calculated on the current basis namely, the actual expenditure up to the national living wage of a person over 25.
- e) That travel allowances be linked to HMRC rates and calculated at the national levels indicated, currently:

- 45p per mile for the first 10,000 miles
- 25p per mile thereafter
- 5p per mile per passenger carried (up to a maximum of 4 passengers, payable to the driver)
- 20p per mile for push bikes
- 24p per mile for motorcycles

NB: To be increased in line with HMRC rates from 1 April 2020 once known.

- f) That subsistence allowances only be paid when councillors are conducting approved duties outside of the Mid Devon District Council area (where refreshments are not provided by the host) and that they be linked to those of the staff, currently these are as follows in each case up to a maximum of:

- Breakfast £7.70
- Lunch £10.63
- Tea £4.18
- Dinner £13.15

NB: To be increased in line with HMRC rates from 1 April 2020 once known.

- g) That all claims for travel and subsistence reimbursement be accompanied by an appropriate receipt.
- h) That an annual digital allowance of £150 continues to be paid to Members using digital devices only.

- i) The Council considers the removal of the digital allowance by the time of the next District Council election.
- j) That the Chief Executive or Monitoring Officer may consider the payment of any additional claims or support arrangements that fall outside the scope of the scheme to support Members with additional needs.
- k) That Members of the Authority are not entitled to pensions and neither the basic allowance nor SRA be treated as an allowance in respect of which pensions are payable.

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

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

148 **Green Group Nomination to Scrutiny Committee (-09-41)**

The Council had before it a * report of the Head of Legal (Monitoring Officer) explaining the position where a political group is unable to nominate from within its group to one of its allocated seats and to note the position with regard to a nomination made by the Green group to Scrutiny Committee.

The Chairman **MOVED, THAT:** the nomination of Councillor John Downes to Scrutiny Committee and the reasons for it be **NOTED**.

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

149 **Questions to Cabinet Members (2-10-40)**

Councillor Mrs C P Daw addressing the Cabinet Member for Planning and Economic Regeneration asked whether the Cabinet Member was aware that at the Scrutiny Committee on Monday 24 February the document he was quoting from was the 2017/18 market report and whether he would be able to bring an up to date report to a future meeting of the Scrutiny Committee?

The Cabinet Member responded stating that he would look into the matter and that he would also like to provide trend information at a future meeting.

Councillor Mrs S Griggs addressing the Cabinet Member for Planning and Economic Regeneration stated that Tiverton did not have a Town Centre Manager and had not since 2017, although there was a Town Centre and Market Manager. Were there any other plans for a Town Centre Manager or a leader who would take plans forward for the town centre? She also stated that economic viability was a responsibility of the Council and asked could the Cabinet Member let her know who was responsible for the health checks in the towns of Tiverton Crediton and Cullompton. She also added that there was a smashed shop window in one of the Fore Street properties and that the unit looked unkempt. Her final query was when the 'harris' fencing would be removed from the outside of the multi storey car park.

The Cabinet Member stated that he would require clarification with regard to the health checks. He would look into the matter of the shop on Fore Street. There were no plans to recruit a Town Centre Manager, but there was a Market Manager. Any

changes in the future would come from the town centre masterplanning exercise which would come before members in the spring, he emphasised the need to meet with the Town Council, the Town Centre Partnership and local members to shape the masterplan.

Councillor F W Letch addressing the Leader asked if there were any new plans for CCTV across the district as at present Crediton didn't have any and there had been several burglaries on the high street.

The Leader stated that he would like to see an upgraded system across the district, he had written to the Police and Crime Commissioner and met with a representative of the commissioner where discussions had taken place with regard to financial support to improve CCTV in Tiverton and throughout Mid Devon, and he would keep the council informed of any updates.

150 **Members Business (2018-58)**

There were no issues raised under this item.

Amendments

(The meeting ended at 8.28 pm)

CHAIRMAN

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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **CABINET** held on 23 April 2020 at 6.00 pm

Present

Councillors

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

Also Present

Councillor(s)

Mrs F J Colthorpe, Mrs C P Daw, R J Dolley, R Evans,
Mrs I Hill, B Holdman, B A Moore, Miss J Norton and
B G J Warren

Also Present

Officer(s):

Stephen Walford (Chief Executive), Jenny Clifford (Head of Planning, Economy and Regeneration), Kathryn Tebbey (Head of Legal (Monitoring Officer)), Andrew Jarrett (Deputy Chief Executive (S151)), Jill May (Director of Corporate Affairs and Business Transformation), Andrew Busby (Group Manager for Corporate Property and Commercial Assets), Claire Fry (Group Manager for Housing), Stuart Noyce (Group Manager for Street Scene and Open Spaces), Ian Chilver (Group Manager for Financial Services), Vicky Lowman (Environment and Enforcement Manager), Adrian Welsh (Group Manager for Growth, Economy and Delivery) and Sally Gabriel (Member Services Manager)

157. **APOLOGIES**

There were no apologies.

158. **PUBLIC QUESTION TIME (00-03-47)**

The following questions were raised by Mr Quinn and read by the Chairman:

Concerning the meeting agenda, I have two questions concerning the remote nature of this meeting:

Firstly: Will an audio or video record of the meeting be made available to the public, via the internet, following the meeting?

The Chairman provided the following answer, that yes an audio recording would be available as usual.

Secondly: Why has the Council chosen to use a video conferencing system that has been criticised for poor security?

The Chairman provided the following answer: The Council has made the decision on a temporary solution based upon a balance of availability across various technical platforms and ease of implementation and use. As always, the Council will endeavour to minimise any risk where it is able.

I also have a question concerning Agenda Item 12 – Notification of Key Decisions.

The review of the 3 Rivers Business Plan, which has been a staple on the Key Decisions list for Cabinet consideration, has gone missing.

Discussion of this Business Plan by Cabinet was much anticipated. Indeed, at the Council meeting in January this year, the Leader specifically invited all Elected Members to attend the February meeting of Cabinet by saying:

“There had been much discussion about the council’s subsidiary company, 3 Rivers Developments. This will be fully discussed at the Cabinet meeting on 13 February 2020; all members are encouraged to attend, as this may help to dispel some misunderstandings and perceptions”.

However, the performance and plans of 3 Rivers were not reviewed by Cabinet on 13 February. In fact, there has not been any review since June 2019 – some 10 months ago.

Since then, this Council has had to impair loans to, and overspends by, 3 Rivers. No amount of accounting can cover up the fact that this Company is costing the Council Tax payer substantial sums of money.

My third question is: In the light of the problems at the Company, why have the Cabinet delayed reviewing the performance and plans of 3 Rivers for so long?

The Chairman provided the following answer: Cabinet requested a review of 3 Rivers operations by external bodies. We anticipate these to be received in time for 3 Rivers to be discussed by Cabinet in May 2020.

159. DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (00-07-44)

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

160. HONORARY ALDERMAN MRS MARY TURNER AND COUNCILLOR GERALD LUXTON (00-08-13)

Those in attendance observed a minute’s silence in memory of Honorary Alderman Mrs Mary Turner and Councillor Gerald Luxton.

161. MINUTES OF THE PREVIOUS MEETING (00-10-23)

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

162. ENVIRONMENT EDUCATIONAL POLICY (00-11-36)

Following a * report of the Group Manager for Street Scene and Open Spaces, the Environment Policy Development Group had made the following recommendations: that subject to the suggested amendments (as attached):

- i) Fixed Penalty Notices for fly tipping be increased from £200 to £400 and the powers to use CCTV footage be adopted to assist with fly tipping Fixed Penalty Notices and to include this within Council policy (Appendix A).
- ii) The new powers set out in the Littering from Vehicles Regulations (Policy) 2018 be adopted and this be included within the new Council policy (Appendix B).
- iii) Changes to the Council Compulsory Recycling Policy be adopted following government guidance (Appendix C).
- iv) The amended Abandoned Vehicle (Act) legislation be adopted and included within the Council Policy (Appendix D) which will enable Officers to investigate vehicles within the 'open air'.
- v) The Stray Dog Policy (Appendix E) be updated and authority sought for the Environment and Enforcement Manager to be the officer appointed under section 149 of the Environmental Protection Act 1990 to keep the public register which contains the prescribed particulars of, or relating to dogs seized under this section.

The Cabinet Member for the Environment outlined the contents of the report stating that an internal review of the Council's current policies had been undertaken in line with Government Legislation as new financial penalties had been introduced to help fight against fly-tipping and littering out of windows. The policies also encouraged more education into disposing of waste.

Consideration was given to each of the individual policies within the document and some amendments were suggested as follows:

- **Littering from Vehicles:** the deletion of appendices (A and B) on pages 44 and 45 which would allow officers to finalise their own procedures.
- **Abandoned Vehicles:**
 - Substitute paragraph 3.1 with the following wording: 'If a vehicle is abandoned, the following paragraphs explain the steps the Council will take'.
 - Delete footnote 3 and automatically renumber the other footnotes.
 - In paragraph 3.4 in the first line after 'taxed' add 'or untaxed'.
 - Delete the current paragraph at 3.5 and replace with the following wording: 'If a vehicle is untaxed or it does not have a valid registration plate or visible VIN number and the Council cannot identify the registered keeper from the DVLA, the Council will not issue a 7-day written notice under paragraph 3.4. Instead it will affix a 24-hour notice of removal of the vehicle'.

- Delete Appendix A, renumber Appendix B to Appendix A and change the reference in paragraph 4.1 to refer instead to the new Appendix A.
- **Microchipping Policy and Collar and Tag Procedure** – Amend the review date for the policy and procedure to 2030 in line with the Stray Dog Policy

RESOLVED that subject to the amendments above the recommendation of the Policy Development Group be approved.

(Proposed by Cllr L D Taylor and seconded by Cllr Mrs N Woollatt)

Note *Report previously circulated, copy attached to minutes.

163. **PUBLIC SPACES PROTECTION ORDER (00-23-25)**

Following a * report of the Group Manager for Street Scene and Open Spaces, the Environment Policy Development Group had made the following recommendations that:

- i) Authority be given to consult with members of the public and other relevant stakeholders to introduce a Public Spaces Protection Order (PSPO) under Section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014.
- ii) The fixed penalty for breach of the order be set at the maximum level permitted of £100.

The Cabinet Member for the Environment outlined the contents of the report stating that the proposed order enabled dog fouling and anti-social behaviour by dogs in public spaces across the district to be addressed; it was therefore proposed that the document be approved to go out to public consultation. He outlined the number of reports logged with regard to aggressive behaviour by dogs both on and off the lead.

Consideration was given to:

- The consultation responses received which would return to the PDG and the Cabinet for consideration
- Notices to be placed on the entrances to parks and open spaces advertising the public consultation
- Concerns with regard to a blanket ban
- The need to gather the views of local residents
- Whether some open spaces could be designated for dogs to be allowed to run free

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

(Proposed by Cllr L D Taylor and seconded by Cllr D J Knowles)

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

164. CLIMATE CHANGE ADVISORY GROUP (00-34-24)

Arising from a * report of the Head of Legal (Monitoring Officer), the Environment Policy Development Group had made the following recommendations: that

- (a) a Net Zero Advisory Group be established;
- (b) the membership of the Group comprise eight Members – 3 Conservative, 2 Liberal Democrat, 2 Independent and 1 Green (not politically balanced); and
- (c) the terms of reference be finalised by the Group, unless the Cabinet wishes to set the general terms in line with those in this report.

The Cabinet Member for the Environment outlined the contents of the report stating that as she had been appointed to the Cabinet with a portfolio for Climate Change, she could no longer (procedurally) continue to sit on a working group of a Policy Development Group. Some thought had been given as to how given her particular interest in and portfolio responsibility for Climate Change she might continue to facilitate and enable policy development whilst being a member of the Cabinet. It had therefore been suggested that an advisory group be formed to allow her work to take place.

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

(Proposed by Cllr Miss E Wainwright and seconded by Cllr G Barnell)

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

165. CAR PARKING MANAGEMENT POLICY (00-38-21)

Following a * report of the Group Manager for Housing, the Homes Policy Development Group had made the following recommendation: that the revised policy be approved.

The Cabinet Member for Housing and Property Services outlined the contents of the report stating that the Council was committed to improving the Housing Service and having an effective car park management policy which would give clear guidance to tenants and officers. The amendments to the policy were clearly outlined with tracked changes in the report before Members and included vehicle repairs, virtual parking permits and abandoned vehicles. Although any further review of the policy was programmed for 10 years time, if there was any change to the legislation, then the policy would of course be reviewed earlier.

Consideration was given to:

- The consultation process with tenants and the formation of a new Tenant Involvement Group
- The utilisation of sustainable opportunities as outlined in the Impact of Climate Change section of the report and the work that was taking place with the building service to consider such opportunities for heating, power sourcing and electric car charging points

- The report having been written prior to the outbreak of the pandemic and concerns raised with regard to the refusal of virtual parking permits to tenants with outstanding debts. The meeting was advised that a sympathetic and pragmatic view would be taken at the current time
- Abandoned vehicles in parking areas and how they would be dealt with; officers suggested that if the owner of the vehicle could be identified then discussions would take place with the vehicle owner, if not then the parking enforcement team would be contacted.

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

(Proposed by Cllr S J Clist and seconded by Cllr L D Taylor)

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

166. **GARAGE MANAGEMENT POLICY (00-58-06)**

Following a * report of the Group Manager for Housing, the Homes Policy Development Group had made the following recommendation: that the revised policy be approved.

The Cabinet Member for Housing and Property Services outlined the contents of the report stating that the policy identified the approach of the Housing Service to managing garages and garage ground rent plots on the housing estates. Reference to the policy would ensure that all cases were treated consistently although the policy did allow for some discretion to enable reasonable adjustments to be made where necessary.

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

(Proposed by Cllr S J Clist and seconded by Cllr D J Knowles)

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

167. **CULLOMPTON AND WELLINGTON NEW RAILWAY STATIONS PROJECT - GOVERNANCE, PROCESS, PROJECT FUNDING AND NEXT STEPS (1-00-03)**

The Cabinet had before it a * report of the Head of Planning, Economy and Regeneration setting out the proposed governance arrangements in order to establish clear lines of decision making for the project and to identify the next steps for taking forward the project.

The Cabinet Member for Planning and Economic Regeneration outlined the contents of the report stating that there had been long held aspirations to reinstate stations at Cullompton and Wellington. In respect of the Cullompton Station this reopening would underpin the work of the Local Plan, the Culm Garden Village and the general expansion of the town and that he was very keen to see the project moving forward. He outlined an overview of the process and the various Government agencies that

were involved in the re-instatement of railway stations. A large amount of work had already taken place and some funding had been made available, however there was a need to access funding through a bidding process, this had now taken place and a response from the Minister was awaited.

He informed the meeting that the report also considered the governance arrangements which were important to establish a structure for the project.

Following consideration of the report, it was generally felt that this was a great opportunity for sustainable travel in the area, although it was understood that such a project could take time.

RESOLVED that:

- a) The Governance arrangements as set out in appendix 1 be agreed.
- b) The overview of the process be noted.

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

Note: * Report previously circulated copy attached to minutes.

168. CLEANING CONTRACTORS (1-09-46)

The Cabinet had before it a * report of the Group Manager for Property and Commercial Assets reviewing the results of the tender exercise for the corporate cleaning that included offices, leisure centres and public conveniences.

The Cabinet Member for Housing and Property Services outlined the contents of the report stating that there was a need for a joined up corporate cleaning plan to be put in place which was efficient and cost effective. He outlined the scope of the project within the various council owned locations.

Consideration was given to:

- The quality of the work that needed to take place
- The reasons why Lot 5 would not be awarded at the current time

RESOLVED that:

- a) The cleaning contract for Lots 1, 2, 3, 4 and 6 be awarded to Supplier B; and
- b) The award of a contract for Lot 5 not be made at the current time.

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

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

169. NOTIFICATION OF KEY DECISIONS (1-17-53)

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

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

170. ACCESS TO INFORMATION - EXCLUSION OF THE PRESS AND PUBLIC (1-18-39)

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)

171. TO CONSIDER THE SALE OF 19 HIGH STREET, CULLOMPTON (FORMER HARLEQUIN VALET SITE)

The Cabinet had before it a * report of the Group Manager for Property and Commercial Assets recommending the sale of the site under a statutory power of sale.

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

Returning to open session, the Cabinet

RESOLVED that in order to recover the Council debt registered against 19 High Street, Cullompton, by proceeding with the sale in accordance with Offer 1 (as outlined in paragraph 4.2 of the report).

(Proposed by the Chairman)

Note: *Report previously circulated.

(The meeting ended at 7.37 pm)

CHAIRMAN

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **CABINET** held on 7 May 2020 at 6.00 pm

Present

Councillors

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

Also Present

Councillor(s)

Mrs C P Daw, R J Dolley, Mrs I Hill, F W Letch,
Miss J Norton, B G J Warren and A Wyer

Also Present

Officer(s):

Stephen Walford (Chief Executive), Andrew Jarrett (Deputy Chief Executive (S151)), Jill May (Director of Corporate Affairs and Business Transformation), Maria De Leiburne (Solicitor), Andrew Busby (Group Manager for Corporate Property and Commercial Assets), Ian Chilver (Group Manager for Financial Services), Stephen Bennett (Building Surveyor), Christopher Davey (Procurement Manager), Mike Lowman (Repairs and Adaptations Supervisor) and Sally Gabriel (Member Services Manager)

172. APOLOGIES

There were no apologies for absence.

173. REMOTE MEETINGS PROTOCOL

The protocol for remote meetings was noted.

174. PUBLIC QUESTION TIME (00-00-08)

There were no questions from members of the public present.

175. DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (00-00-23)

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

176. MINUTES OF THE PREVIOUS MEETING (00-00-43)

The minutes of the previous meeting were approved as a correct record.

177. CONSIDERATION OF ANY RECOMMENDATIONS FROM THE SCRUTINY COMMITTEE (00-02-00)

There were no recommendations from the Scrutiny Committee.

178. CORPORATE ASBESTOS POLICY (00-02-15)

The Cabinet had before it a * report of the Group Manager for Property and Commercial Assets providing an updated policy on asbestos management.

The Cabinet Member for Housing and Property Services outlined the contents of the report stating that the revised policy referred to the Council's arrangements for managing the risks of exposure to asbestos by employees and non-employees within its activities for the corporate portfolio and the housing stock. The two previous separate policies had been amalgamated under this one revised policy. He also referred to the Health and Safety at Work Act 1974 and subsequent Acts.

RESOLVED that the updated Asbestos policy and procedures for the Corporate Property and Housing Stock (only common areas of domestic properties would be covered under this legislation) be approved.

(Proposed by Cllr S J Clist and seconded by Cllr D J Knowles)

Note *Report previously circulated, copy attached to minutes.

179. MANAGEMENT OF LEGIONELLA POLICY (00-06-15)

The Cabinet had before it a * report of the Group Manager for Property and Commercial Assets providing an update on the procedures for ensuring compliance with managing the risk of Legionella

The Cabinet Member for Housing and Property Services outlined the contents of the report stating that the revised document sought to update procedures to ensure compliance under the Health and Safety Act. Remedial works for Legionella had been budgeted for in the General Fund for both corporate assets and the housing stock and that the policy supported the overarching Health and Safety Policy. The Corporate Property and Commercial Policy set out within the agenda pack meets the duty of care required and sets out how the Council will as far as is reasonable and practical take appropriate precautions to reduce the risk of ill health caused by exposure to Legionella.

Consideration was given to:

- The mechanism for routine checks in Council owned properties and the work undertaken by the Public Health Team with regard to sampling
- The routine inspections that took place in the Council owned Leisure Centres and the processes that would take place following the current period of lockdown

RESOLVED that the updated policy for the management of Legionella for both corporate and housing assets be adopted.

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

Note *Report previously circulated, copy attached to minutes.

180. NOTIFICATION OF KEY DECISIONS (00-13-00)

The Cabinet had before it and **NOTED** its *rolling plan for May/June 2020 containing future key decisions.

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

181. ACCESS TO INFORMATION - EXCLUSION OF THE PRESS AND PUBLIC (00-16-15)

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)

182. PAINTING AND REPAIRS BEFORE PAINTING OF COUNCIL HOUSES 2020-2025

The Cabinet had before it an updated *report in relation to the painting and repairs before painting of council houses contract following the decision made on 13 February 2020.

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 delegated authority be given to the Director of Corporate Affairs and Business Transformation, in consultation with the Cabinet Member for Housing and Property Services to make the following decisions:

- (a) whether to continue with the contract award from the current procurement process; and
- (b) if the current procurement process is abandoned,
 - (i) how best to proceed with letting a contract for the provision of the services in 2020/21 and the longer term; and

- (ii) to let and/or make any contractual arrangements for 2020/21 as appropriate and necessary.

(Proposed by Cllr S J Clist and seconded by Cllr D J Knowles)

Note: *Report previously circulated.

(The meeting ended at 6.34 pm)

CHAIRMAN

MID DEVON DISTRICT COUNCIL

MINUTES of a MEETING of the CABINET held on 11 June 2020 at 6.00 pm

Present

Councillors

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

Also Present

Councillor(s)

J Cairney, Mrs F J Colthorpe, N V Davey, Mrs C P Daw,
R J Dolley, J M Downes, R Evans, B Holdman, F W Letch,
R F Radford, Mrs M E Squires, B G J Warren, A Wilce,
J Wright and A Wyer

Also Present

Officer(s):

Stephen Walford (Chief Executive), Andrew Jarrett (Deputy Chief Executive (S151)), Jill May (Director of Corporate Affairs and Business Transformation), Kathryn Tebbey (Head of Legal (Monitoring Officer)), Maria De Leiburne (Legal Services Team Leader), Deborah Sharpley (Solicitor), Catherine Yandle (Group Manager for Performance, Governance and Data Security), Sarah Lees (Member Services Officer), Carole Oliphant (Member Services Officer) and Sally Gabriel (Member Services Manager)

183. APOLOGIES (00-03-25)

There were no apologies for absence.

184. REMOTE MEETINGS PROTOCOL (00-03-34)

The protocol for remote meetings was **NOTED**.

185. PUBLIC QUESTION TIME (00-03-51)

The Chairman read the following questions from Nick Quinn - Local Resident.

My first question concerns: Agenda Item 6 (Performance and Risk), specifically the Corporate Risk Management Report - Appendix 6

Against the Risk: SPV Governance Arrangements - 3 Rivers: it is stated that "Openness and Transparency" is demonstrated by: "Regular reports to Cabinet, in open session where possible" and the 'effectiveness of action' is shown as Positive.

However, over the last three years, not a single report by, or about, 3 Rivers has ever been discussed by Cabinet in open session. The 3 Rivers Governance Report on today's Agenda looks likely to be no different.

My question is:

Since no 3 Rivers report has been discussed by Cabinet in open session for three years – do Cabinet consider the 'Positive' rating is appropriate?

My second areas of concern are: Items 8 and 9 on the Agenda – Exclusion of the Public from the discussion of the 3 Rivers Governance Report.

This company was set up, three years ago, to “support the Revenue Stream of the Council and reduce the burden on the Council Tax payer”.

As I understand it, no income has been forthcoming - and there is currently the likelihood of significant costs to the Council Tax payer.

There is a good deal of public interest in the operation and performance of this company, yet the public are continually excluded from any discussion of it.

My question is:

In view of the potential impact on the Council Tax payer, and to uphold the Nolan Principles of Accountability, Openness, Honesty and Leadership - will Cabinet please see fit to discuss this report in open session?

In response to the questions the Chairman stated that

1. He was not going to comment at this stage and that he would approach that when the item was discussed
2. This would be discussed at agenda item 8.

186. **DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (00-07-24)**

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

187. **MINUTES OF THE PREVIOUS MEETING (00-07-47)**

The minutes of the previous meeting were approved as a correct record.

188. **PERFORMANCE AND RISK (00-10-00)**

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.

Consideration was given to:

- The Corporate Plan aim to facilitate the housing growth that Mid Devon needs, including affordable housing and the number of affordable homes delivered;

The Group Manager for Performance, Governance and Data Security reported the number of houses built in quarter 4 was 4.

- The need to move the Corporate Plan aim for reducing the carbon footprint to the Climate Change portfolio.
- Staffing and recruitment of District Officers
- The quarterly 3 Rivers Development Limited shareholder reports and the dates of the shareholder meetings

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

189. **NOTIFICATION OF KEY DECISIONS(00-22-45)**

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

Note: *Plan previously circulated, copy attached to minutes

190. **ACCESS TO INFORMATION - EXCLUSION OF THE PRESS AND PUBLIC (00-23-44)**

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 with the following issues being raised:

- Legal advice with regard to information pertaining to individuals, financial and business affairs and legal professional privilege
- The Cabinet were aware of the public interest in the subject
- The financial and business affairs of the company and that much of that information was confidential or had been provided as such
- Members needed to be have a full and frank debate on the issues which should take place in closed session
- Opportunities in the future to discuss matters in open session.

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 1 namely information relating to any individual; 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) and paragraph 5 namely information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

(Proposed by the Chairman)

191. 3 RIVERS GOVERNANCE REPORT

The Cabinet had before it a *report of the Chief Executive with regard to a review of the governance arrangements for 3 Rivers Developments Limited.

The Leader outlined the contents of the report and a full discussion took place including:

- Continued support for the company
- Directorships and appointments
- Measures to protect the Council's financial and legal interests
- Governance arrangements with regard to current and future developments

Returning to open session the Cabinet:

RESOLVED that the recommendations (as amended) outlined in the report, addressing the issues discussed, be approved.

(Proposed by the Chairman)

Note: *Report previously circulated..

(The meeting ended at 10.46 pm)

CHAIRMAN

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **SCRUTINY COMMITTEE** held on 18 May 2020 at 2.15 pm

Present

Councillors

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

Also Present

Councillor(s)

G Barnell, L D Taylor and Mrs N Woollatt

Present

Officer(s):

Jill May (Director of Corporate Affairs and Business Transformation), Andrew Busby (Group Manager for Corporate Property and Commercial Assets), Lisa Lewis (Group Manager for Business Transformation and Customer Engagement), Matthew Page (Group Manager for Human Resources), Sally Gabriel (Member Services Manager), Maria De Leburne (Legal Services Team Leader), Clare Robathan (Scrutiny Officer) and Carole Oliphant (Member Services Officer)

1 ELECTION OF VICE CHAIRMAN (00.03)

Cllr B A Moore was duly elected Vice Chairman of Scrutiny Committee for the municipal year 2020-2021

(Proposed by Cllr B G J Warren and seconded by Cllr J Downes)

2 VIRTUAL MEETING PROTOCOL (00.04)

The Committee **NOTED** the Virtual Meeting Protocol

3 APOLOGIES AND SUBSTITUTE MEMBERS (00.05)

There were no apologies or substitute Members

4 DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (01.32)

There were no declarations made at this stage of the meeting

5 PUBLIC QUESTION TIME (01.44)

There were no members of the public present.

6 **MINUTES OF THE PREVIOUS MEETING (01.48)**

Subject to an amendment to minute 130 (Paragraph 4) to include 'The Head of Planning, Economy and Regeneration was unable to provide costs of employing consultants and offered to respond to the questioner in writing. The Chairman asked that the response be sent to all members of the committee'

The minutes of the meeting held on 24th February 2020 were approved as a true record and **SIGNED** by the Chairman.

7 **DECISIONS OF THE CABINET (05.48)**

The Committee **NOTED** that none of the decisions made by the Cabinet on 7th May 2020 had been called in.

8 **CABINET MEMBER FOR WORKING ENVIRONMENT AND SUPPORT SERVICES (06.02)**

The Committee **NOTED** the *report from the Cabinet Member for Working Environment and Support Services which provided an overview of area's within her portfolio.

She explained that this was her first report as Cabinet Member for Working Environment and Support Services.

In response to a question asked about staff wellbeing, mental issues and increased anxiety due to the current crisis the Cabinet Member informed Members that both Members and staff had access to confidential counselling services and the details had been widely circulated.

The Group Manager for Human Resources confirmed that managers had been talking frequently to staff and that there were a mixture of opinions with some staff coping well with working from home arrangements and others not so well. He stated that a staff survey was about to be launched about the current arrangements to gather information on how staff felt about the current situation and what was working for them and what was not. He envisaged that staff would be working from home for some time.

The Cabinet Member confirmed that the completion dates for the coaching and training plan to upskill managers had been moved to October because of the current crisis.

She also confirmed that there was no longer a requirement for staff to complete paper timesheets as the outward facing MyView had been extended which meant that all timesheets could be completed electronically.

In answer to a question about the capacity of the Legal Services team to support issues such as planning enforcement, the Legal Services Team Leader explained that the team prioritised their work on a daily, weekly and monthly basis and that more serious issues would take priority such as injunctions. She explained that if additional support was required then the team may look at additional support from

external suppliers but this would come at a cost to the department instructing Legal Services.

The Legal Services Team Leader further explained that not every breach of planning enforcement would require legal enforcement action as many of the issues could be solved by negotiation. Also, any prosecution would need to meet the public interest and evidential test before proceeding. Serious cases such as anti-social behaviour injunctions or other injunctions for example would take priority.

Asked to further explain the correlation between the new Sickness Policy and management intervention, the Group Manager for Human Resources explained that the policy outlined what was expected of employees and managers (e.g. that staff had to report their sickness promptly to their line manager) and that these measures needed to be applied to incidents of both short and long term sickness.

He explained that the feedback from employment engagement was logged through the impact group and the results were circulated to all staff.

There was a general discussion about the support front line staff working on the call centre were receiving and the Group Manager for Business Transformation and Customer Engagement confirmed that the reception opening times had been drastically reduced and staff were having regular 1-2-1 support from managers to establish if anyone required further support. They were actively looking at the working environment within Phoenix House to see if there were ways to minimise anxiety for staff.

She responded to a concern that special needs customers were not always offered the correct support by customer facing staff and stated that customers were always triaged but it was not always apparent what additional support was required. She confirmed that staff were encouraged to use private rooms and breakout area's if these would benefit customers.

The Cabinet Member confirmed that she would provide further generic information on the types of grievances being raised by staff.

The Group Manager for Property Services and Commercial Assets confirmed that the actions on the fire risk assessments had been actioned, further work was being done to improve fire resistance throughout the properties on the fire dampeners as identified on the capital medium term financial plan for 2020/2021. Satisfactory fire safety inspections by Devon and Somerset Fire Rescue Service had been completed during 2020.

The Group Manager for Human Resources confirmed the membership of the staff impact group as 15+ members of staff from across the workforce, himself as Chair and members of the Leadership Team.

Note: *Report previously circulated and attached to the minutes

9 CHAIRMANS ANNUAL REPORT (37.27)

The Committee **NOTED** the Chairman's Annual *Report which outlined the achievements of the Scrutiny Committee for the Municipal year 2019-2020.

Reference was made to the Customer Experience Working Group and that a final report was being worked on to be brought back to Committee with recommendations.

Note: *report previously circulated and attached to the minutes

(The meeting ended at 2.57 pm)

CHAIRMAN

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **SCRUTINY COMMITTEE** held on 1 June 2020 at 2.15 pm

Present

Councillors

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

Apologies

Councillor(s)

R J Chesterton

Also Present

Councillor(s)

G Barnell, Mrs M E Squires and L D Taylor

Present

Officer(s):

Kathryn Tebbey (Head of Legal (Monitoring Officer)),
Andrew Busby (Group Manager for Corporate Property and
Commercial Assets), Stuart Noyce (Group Manager for
Street Scene and Open Spaces), Catherine Yandle (Group
Manager for Performance, Governance and Data Security),
Maria De Leiburne (Legal Services Team Leader), Clare
Robathan (Scrutiny Officer) and Carole Oliphant (Member
Services Officer)

10 **Virtual Meeting Protocol**

The Committee had before it, and **NOTED**, the virtual meeting protocol.

Note: *Protocol previously circulated and attached to the minutes

11 **Apologies and Substitute Members (00.03.44)**

Apologies were received from Cllr R J Chesterton

12 **Declarations of interest under the Code of Conduct (00.05.36)**

Cllr R L Stanley declared a Personal interest as a Director of 3 Rivers Developments Ltd

13 **Public Question Time (00.05.40)**

The following questions were provided by Mr Quinn and were read out by the Chairman:

The Risk: SPV - 3 Rivers - Failure of the Company: states that "Regular Monitoring is demonstrated by: The Board of 3 Rivers deliver a half yearly report to the Cabinet which provides an update on their delivery against their business plan".

The Risk: SPV Governance Arrangements - 3 Rivers: states that "Openness and Transparency is demonstrated by: Regular reports to Cabinet, in open session where possible".

Since the last report to Cabinet by 3 Rivers was in June 2019, a full year ago, the mitigating actions are clearly not being fulfilled and are therefore ineffective.

So, my questions are:

a) Why isn't the colour band for these items shown as Red?

b) Why isn't the Current effectiveness of the Actions shown as 'Poor – Action required (3)'?

The Chairman informed Members that the questions would be addressed at the appropriate agenda item.

14 Member Forum (00.07.51)

There were no issues raised under this item.

15 Minutes of the previous meeting (00.08.19)

The minutes of the last meeting of 18th May 2020 were approved as a correct record and **SIGNED** by the Chairman.

16 Chairmans Announcements (00.10.11)

The Chairman informed the Committee that he had attended a Covid 19 Webinar and that he had circulated the notes onto Members

17 Cabinet Member for Environment (00.11.12)

The Committee had before it, and **NOTED**, the *report of the Cabinet Member for the Environment highlighting area's within his portfolio.

The Cabinet Member for the Environment expressed his thanks to all staff working under his portfolio and praised their dedication and work ethic during the current crisis. He explained that the grass had been cut in the open spaces ready for reopening, no refuse collections had been missed and that the recycling teams had dealt with 25% more tonnage than the same period last year and higher than Christmas levels.

He gave an overview of his report and informed Members that new vehicles would be added to the fleet in the summer and that small electrical items such as toasters and kettles would be able to be collected and recycled when they were in place.

Members echoed his thanks to all officers throughout the Council who had been working hard during the pandemic.

Consideration was given to:

- Difficult choices which may need to be made in the future
- Options to employ a private enforcement company
- Play Area inspection costs
- Maintenance of Land now allocated to Tree Planting
- Surplus S106 contributions being used to provide bins in the Towns and Parishes
- Maintenance of new open spaces when developers finished a development

In response to a question regarding CO2 emissions from the new vehicle fleet the Group Manager for Street Scene and Open Spaces informed Members that part of the new contract included the trialling of electric vehicles and that MDDC would be hosting an open day for other Devon districts to see what equipment was on offer. He explained that the current models of electric refuse vehicles did not have the range to be able to cope with the Mid Devon landscape and that they currently cost triple that of a standard vehicle.

There was a general discussion about fly tipping and the education programme which was designed to be a preventative measure rather than a reactionary one. Members agreed that opportunities for prosecution should always be explored.

The Group Manager for Property Services and Commercial Assets informed the Committee that a working group had been established with Tiverton Town Council to try to resolve the problems with the Tiverton Leat to get this operational.

The Group Manager for Street Scene and Open Spaces explained to Members that staff had been redeployed from the street cleaning teams which normally operated within the Tiverton town centre due to reduced need and that this would be rectified when staffing levels were back to normal. He explained that there was now a closer collaboration with DCC Highways so that litter busting activities could be coordinated with planned road closures.

In response to a question with regard to the responsibilities for grass verges within the District the Group Manager for Property Services and Commercial Assets confirmed that responsibility maps were currently being finalised and would be made available to Members and the public.

Note: *report previously circulated and attached to the minutes

18 **Performance and Risk (00.48.36)**

The Committee had before it, and **NOTED**, the Outturn 2019-2020 Performance and Risk report which highlighted performance against target, presented by the Group Manager for Performance, Governance and Data Security.

She outlined the contents of the report highlighting that this was the final report for 2019-2020 and the first report to be presented to Committee since the start of the current pandemic.

She addressed the public questions and confirmed that the risks had been scored on the information to hand at the time and were a correct reflection of the information available. She confirmed that in addition to the standard reports about 3 Rivers

Developments Ltd that the Cabinet had commissioned an independent report and that this report was due to be presented to the next meeting of Cabinet. She also confirmed that the next set of performance and risk reports including the 3 Rivers Developments Ltd risks would be reviewed before July.

Consideration was given to:

- The Corporate Plan aim to reduce our Carbon Footprint
- The work of the Economic Development service during the Covid 19 pandemic with co-ordinating business support grants, community voluntary groups and the Councils shielding response
- The volume of fixed penalty notices and the staffing levels of the enforcement team
- The targets for the building of council houses
- Analysis of the housing need

Members requested an update on the current state of the Councils accounting statements and the Group Manager for Performance, Governance and Data Security confirmed that the Finance team were finalising these and Grant Thornton were currently commencing the audit.

The Cabinet Member for Planning and Economic Regeneration informed the Committee that the Planning Policy Advisory Group had agreed a short life task group to review the current S106 Governance arrangements. In response to a question he confirmed that the Tiverton Masterplan would be presented to the Cabinet in August.

Note: *report previously circulated and attached to the minutes

19 **Forward Plan (01.30.45)**

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

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

20 **Scrutiny Officer Update (01.37.17)**

The Scrutiny Officer gave a verbal update on items she had been working on and informed Members that the Customer Experience Working Group would meet to finalise their report and recommendations and that this would be brought before the Committee for approval at the next meeting.

She informed Members that a review into the effect of the Menopause on staff and Members had been requested and that a Working Group on this subject would be finalised at the next meeting.

21 **Start Time of Meetings (01.38.18)**

The Committee **AGREED** to maintain the 2.15pm start time for meetings for the remainder of the 2020/2021 municipal year.

22 Identification of items for future meetings (01.39.54)

The Committee requested further information on the following:

- The 2020-2021 targets for the building of Council Houses and how would the target be achieved
- The analysis of the Housing Need including how this was split into bands
- Viability of Council owned commercial property – What does the Council own and does it make a profit
- Public consultations over the past 2 years– The reasons they were carried out and the costs associated with conducting them

(The meeting ended at 4.05 pm)

CHAIRMAN

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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **AUDIT COMMITTEE** held on 2 June 2020 at 5.30 pm

Present

Councillors

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

Also Present Councillors

L Cruwys, R M Deed and B Warren

Also Present Officers

Andrew Jarrett (Deputy Chief Executive (S151)), Catherine Yandle (Group Manager for Performance, Governance and Data Security), David Curnow (Deputy Head of Devon Audit Partnership) and Sarah Lees (Member Services Officer)

Also in Attendance

Andrew Davies, Grant Thornton

1. **ELECTION OF CHAIRMAN (CHAIRMAN OF THE COUNCIL IN THE CHAIR)**

RESOLVED that Cllr R Evans be elected Chairman of the Committee for 2020/2021.

2. **ELECTION OF VICE CHAIRMAN**

RESOLVED that Cllr A Wyer be elected Vice Chairman of the Committee for 2020/2021.

3. **APOLOGIES**

There were no apologies for absence.

4. **REMOTE MEETINGS PROTOCOL**

The protocol for remote meetings was noted, however, it was **AGREED** that the word 'disrobing' in the first sentence of section 15 be replaced with the word 'disobeying'.

5. **PUBLIC QUESTION TIME**

There were no members of the public present.

6. **DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT**

No interests were declared under this item.

7. MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 28 January 2020 were confirmed as a true and accurate record.

8. CHAIRMAN'S ANNOUNCEMENTS

The Chairman had the following announcements to make:

1. He thanked the Committee for returning him as Chairman, this was a role he enjoyed.
2. He thanked Member Services for their help in recent months.
3. He hoped to attend a virtual meeting with the Devon Audit Partnership (DAP) on 14 July 2020.
4. A briefing would need to be held sometime before the next formal Audit Committee meeting on 11 August 2020 to take Members through the draft financial accounts and Annual Governance Statement. The Clerk would liaise with Members regarding a convenient date.
5. He reminded the Committee that their primary focus was to concentrate on all 'risks' to the Council.

9. PERFORMANCE & RISK REPORT (00:16:24)

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

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

- The report presented the final outturn position for the 2019/2020 financial year and was the first performance and risk report the Committee had received since the Coronavirus lockdown. It therefore reflected some of the actions taken by the Council as a result of the pandemic.
- The Planning Inspector's post examination report into the Local Plan Review was now expected towards the end of June or early July 2020.
- It was noted that the response to FOI requests had been 100% on time since April 2019.

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

10. RISK AND OPPORTUNITY MANAGEMENT POLICY (00:21:17)

The Committee had before it a report * from the Group Manager for Performance, Governance and Data Security presenting the updated Risk & Opportunity Management Policy for approval.

The contents of the report were briefly outlined with it being stated that the policy remained largely unchanged other than the few amendments identified in the report attached to the agenda.

The Internal Audit Manager stated that it was helpful to see this updated document particularly in regard to updating risk mitigating actions. The policy was now much clearer.

RESOLVED that the updated Risk and Opportunity Management Policy be approved.

(Proposed by the Chairman)

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

11. **INTERNAL AUDIT APPROACH DURING THE COVID-19 PANDEMIC (00:23:57)**

The Committee had before it, and **NOTED**, a report * from the Head of the Devon Audit Partnership (DAP) updating it on how DAP were looking to adjust ways of working to help deliver their work, in particular the 2020/21 Internal Audit plan as well as how they aimed to provide wider support to organisations as they responded to the challenges brought about by Covid-19.

The following was highlighted within the report:

- The report provided an update on how Council services were being delivered during these challenging times.
- The annual assurance opinion for 2020/2021 would be delivered using assurance mapping and a degree of flexibility in order to support services through the current difficulties.

Discussion took place regarding whether, as a result the current pandemic, the completion of work within the Audit Plan for 2019/2020 had been affected. It was explained that more than 90% (annual target) of the audit programme had been completed without the audit staff having put undue pressure on service areas.

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

12. **INTERNAL AUDIT CHARTER AND STRATEGY (00:29:34)**

The Committee had before it a report * from the Internal Audit Team Manager presenting it with the Internal Audit Charter and Strategy for the effective operation of the internal audit service excepting the changes in practice noted in item 11 of this meeting.

It was explained that the Charter set out the 'purpose' and the Strategy set out the 'methodology' of delivering the audit function. Both of these documents were unchanged from last year and merely required approval.

RESOLVED that the updated Internal Audit Charter & Strategy for 2020/21 be approved.

(Proposed by the Chairman)

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

13. **INTERNAL AUDIT PLAN 2020/21 (00:31:45)**

The Committee had before it a report * from the Head of the Devon Audit Partnership providing it with the Internal Audit Plan for 2020/2021.

The following was highlighted within the report:

- The expectations of the Audit Committee.
- Key risks had been identified and there would be a key focus on, the Corporate Plan, climate change, safeguarding, information governance, cyber security, partnerships and transactional integrity.
- The number of days dedicated to each of the audits to be undertaken were set out within the report including the key areas of risk, however, a degree of flexibility would need to be employed given the current challenges facing the Council.

Discussion took place regarding:

- The Economic and Community Development area was stated as last being audited in 2014/15. However, it was explained that it had been agreed that an audit of this area during the intervening years would not have added much value, checks and balances were in place via other means, however, the plan could be changed should this be required if it was felt to be beneficial given the current circumstances.
- 15 days were allocated to an audit of the environmental impacts of climate change for next year. It was explained that a discussion had already taken place with the relevant Cabinet Member and Chief Executive and there would be a strategic review of governance arrangements as well as alignment and transition plans across a whole range of service areas in relation to this issue.

RESOLVED that the Internal Audit Plan for 2020/2021 be approved.

(Proposed by the Chairman)

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

14. **INTERNAL AUDIT ANNUAL REPORT FOR 2019/2020 (00:43:04)**

The Committee had before it, and **NOTED**, a report * from the Internal Audit Manager updating it on the work performed by Internal Audit during the 2019/2020 financial year as required by the Public Sector Internal Audit Standards.

The following was highlighted within the report and discussion took place with regard to:

- The majority of the work for 2019/2020 had now been completed.
- Overall, based on work performed during 2019/2020, the Head of Internal Audit's opinion was one of 'Substantial Assurance' on the adequacy and effectiveness of the Authority's internal control framework. The one exception to this was in relation to the Council's governance arrangements over its investment exposure associated to its property development operation where the Auditors opinion was of 'improvements required'.

- This report would help to inform the Annual Governance Statement.
- The rating system used to provide a summary of the assurance opinions in relation to each of the audits that had taken place.
- The value added to the Council by the internal audit function.
- Members were referred to the summary of audits and findings for 2019/2020. There were no material risks and overall a good level of assurance had been provided.

The Chairman referred specifically to the 'high standard' audits on 'Freedom of Information' and 'Contract Management' and wished for the Committee's thanks to be taken back to the officers working in these areas.

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

15. **GRANT THORNTON - ADDENDUM TO THE AUDIT PLAN (00:51:29)**

The Committee had before it, and **NOTED**, a report * from Grant Thornton providing an update to the planned scope and timing of the statutory audit of Mid Devon District Council in light of the unprecedented global response to the Covid-19 pandemic.

The report set out in clear terms the unprecedented uncertainty for all organisations, requiring urgent business continuity arrangements to be implemented. The potential impacts on certain areas such as the valuation of property, plant and equipment were significant as was the additional pressure on the Finance team.

It was further explained that the pandemic had had an impact on deadlines in relation to approving annual accounts across the country. These had now been relaxed with the date for the draft accounts being the end of August and the final sign off date being moved to the end of November.

It was confirmed that Grant Thornton had started their audit today.

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

16. **CHAIRMAN'S ANNUAL REPORT FOR 2019 / 2020 (00:57:13)**

The Committee had before it, and **NOTED**, a draft report by the Chairman of the Committee.

The absence of the Cabinet Member for Finance was noted with the Leader saying he would speak to the relevant Member about attending the Audit Committee going forwards.

17. **START TIME OF MEETINGS (00:59:52)**

The Committee **AGREED** to continue to hold meetings of the Audit Committee on Tuesday evenings at 5.30pm.

18. IDENTIFICATION OF ITEMS FOR THE NEXT MEETING (01:01:24)

It was requested that the report being received by the Cabinet on 11 June 2020 in relation to the 3 Rivers Development Co. be brought before the Audit Committee at their next meeting.

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

(The meeting ended at 6.35 pm)

CHAIRMAN

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **ENVIRONMENT POLICY DEVELOPMENT GROUP**
held on 10 March 2020 at 5.30 pm

Present

Councillors

B G J Warren (Chairman)
E J Berry, W Burke, D R Coren, B Holdman,
Miss J Norton, R L Stanley, J Wright and
B A Moore

Apologies

Councillor(s)

R F Radford

Also Present

Councillor(s)

R M Deed, R Evans, L D Taylor and Ms E J Wainwright

Also Present

Officer(s):

Kathryn Tebbey (Head of Legal (Monitoring Officer)),
Joanne Nacey (Group Manager for Financial Services),
Andrew Busby (Group Manager for Corporate Property and
Commercial Assets), Catherine Yandle (Group Manager
for Performance, Governance and Data Security), Steve
Densham (Land Management Officer), Vicky Lowman
(Environment and Enforcement Manager), Clare Robathan
(Scrutiny Officer) and Sally Gabriel (Member Services
Manager)

72 **APOLOGIES AND SUBSTITUTE MEMBERS**

Apologies were received from Cllr R F Radford who was substituted by Cllr B A Moore.

73 **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman welcomed Cllr Miss J Norton to her first meeting of the Policy Development Group.

74 **DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (00-01-50)**

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

75 **PUBLIC QUESTION TIME**

There were no members of the public present.

76 **MINUTES OF THE PREVIOUS MEETING (00-02-06)**

The minutes of the previous meeting held on 30 January 2020 were agreed as a correct record and **SIGNED** by the Chairman.

77 MEETING MANAGEMENT (00-03-03)

The Chairman indicated that he wished to take items 11 and 12 as the next items of business. This was **AGREED**.

78 FINANCIAL MONITORING (00-03-38)

The Group had before it a report of the Deputy Chief Executive (S151) providing a financial update in respect of the income and expenditure so far in the year.

The Group Manager for Financial Services outlined the contents of the report stating that the figures before Members were from the Quarter 3 monitoring calculations. As at January, the forecast General Fund deficit for the current year was £292k. She highlighted some of the significant variances which had led to the new deficit figure that of reduced overpayment recovery and software costs for Revenues and Benefits; and with regard to Trade Waste and Recycling an increase in customers and reduced discounts.

The surplus within the Housing Revenue Fund had reduced to £618k with monies being spent on disabled facilities. The appendices within the report outlined the Capital Programme.

Consideration was given to: whether the income from renewables on council housing was reflected within the HRA.

The Chairman indicated that the report should be **NOTED** and that he had been advised by the Leader that certain concerns raised within the report were being addressed and would be brought before the Cabinet in due course.

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

79 PERFORMANCE AND RISK (00-09-35)

The Group had before it and **NOTED** a *report of the Group Manager for Performance, Governance and Data Security presenting 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 officer outlined the contents of the report stating that the appointment of the Cabinet Member for Climate Change had been added to the risk management report as a positive.

Consideration was given to:

- Recycling and composting and whether it was being looked at for the commercial sector and whether this could create additional income
- Public Health had an income reduction of £30k, this had been highlighted within the financial monitoring report due to a reduction in Licensing/Regulatory Services and cemetery income had also been reduced.

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

80 **CLIMATE CHANGE ADVISORY GROUP AND NET ZERO WORKING GROUP (00-16-55)**

The Group had before it a *report of the Head of Legal (Monitoring Officer) considering whether in light of Cllr Miss Wainwright's appointment to the Cabinet whether to recommend to Cabinet the creation of a Climate Change Advisory Group in lieu of the Environment PDG's Net Zero Working Group.

The Head of Legal (Monitoring Officer) outlined the contents of the report stating that with the elevation of Cllr Ms Wainwright to Cabinet Member for Climate Change, she could no longer sit on the Group. It was felt that an advisory group could be formed which could involve the Cabinet Member and could feed into the work of the Environment PDG.

Consideration was given to the name of the advisory group and whether it should still have the title 'Net Zero'.

It was therefore

1. **RECOMMENDED** to Cabinet that
 - (b) a Net Zero Advisory Group be established;
 - (c) the membership of the Group comprise eight Members – 3 Conservative, 2 Liberal Democrat, 2 Independent and 1 Green (not politically balanced); and
 - (d) the terms of reference be finalised by the Group, unless the Cabinet wishes to set the general terms in line with those in this report; and
- 2 **RESOLVED** that in the event that Cabinet agrees to establish a Net Zero Advisory Group, that the Net Zero Working Group be dissolved.

(Proposed by Cllr B A Moore and seconded by Cllr B Holdman)

Note *Report previously circulated, copy attached to minutes.

81 **PUBLIC SPACES PROTECTION ORDER (00-21-05)**

The Group had before it a *report from the Group Manager for Street Scene and Open Spaces considering widening enforcement powers in order to deliver a cleaner and more sustainable environment across the district and to replace current dog control powers across the district which were due to expire in October 2020.

The Chairman indicated that the report had been considered at the previous meeting where it had been requested that the item be deferred to allow further work to take place on the documents.

Consideration was given to:

- The fixed penalty for a breach of the order being set at the maximum level and how that rate was set by legislation

- How the protection order would be enforced by officers

It was therefore:

RECOMMENDED to Cabinet that:

1. Authority be given to consult with members of the public and other relevant stakeholders to introduce a Public Spaces Protection Order (PSPO) under Section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014.
2. The fixed penalty for breach of the order be set at the maximum level permitted of £100.

(Proposed by Cllr D R Coren and seconded by Cllr W Burke)

Note: Report previously circulated, copy attached to minutes.

82 **ENVIRONMENT EDUCATIONAL ENFORCEMENT POLICY (00-24-14)**

The Group had before it a * report of the Group Manager for Street Scene and Open Spaces updating the current policies and requesting that new policies be adopted.

The Chairman walked through the various policies and consideration was given to:

Fly Tipping Policy

- CCTV coverage of affected areas with the Group Manager for Corporate Property and Commercial Assets and the Head of Legal informing the meeting that an action plan was being developed and would be reported to the Community Policy Development Group. Some of the offences would not come under RIPA and therefore a parallel system to balance data protection and human rights issues had to be developed. The phrasing within the policy with regard to 'may' and 'could' rather than 'would' was explained as a discretionary element always had to be included. The number of prosecutions was also discussed and it was generally agreed that the increase in fines should be encouraged. Delegated powers for District Officers was also discussed.

Littering from Vehicles

- The following amendments were suggested:
 - Paragraph 5.1 remove the words 'in writing' from the 4th line.
 - Under paragraph 9 remove para 9.1 and renumber 9.2 to 9.1.
 - Paragraph 10 – Ground E replace the word 'court' with 'course'
- Discussion took place with regard to penalty amounts which had previously been set and the definition of littering if stood beside a vehicle.

Compulsory Recycling Policy

- The following amendment was suggested: the renumbering of paragraph 2 to include 2.3 and 2.3

Abandoned Vehicle Policy

- The following amendment was suggested: the renumbering of paragraph 1 to include 1.2 instead of 1.2.1
- Discussion took place with regard to the remit of the authority to remove abandoned vehicles from the highway.

Stray Dog Policy

- The following amendment was suggested: under 3.8.2 the removal of 'his' from the first bullet point and to be replaced with 'its'. Under bullet point 3 the removal of the word 'and'.

It was therefore:

RECOMMENDED to the Cabinet that: subject to the suggested amendments (as listed above):

- 1) Fixed Penalty Notices for fly tipping be increased from £200 to £400 and the powers to use CCTV footage be adopted to assist with fly tipping Fixed Penalty Notices and to include this within Council policy (Appendix A).
- 2) The new powers set out in the Littering from Vehicles Regulations (Policy) 2018 be adopted and this be included within the new Council policy (Appendix B).
- 3) Changes to the Council Compulsory Recycling Policy be adopted following government guidance (Appendix C).
- 4) The amended Abandoned Vehicle (Act) legislation be adopted and included within the Council Policy (Appendix D) which will enable Officers to investigate vehicles within the 'open air'.
- 5) The Stray Dog Policy (Appendix E) be updated and authority sought for the Environment and Enforcement Manager to be the officer appointed under section 149 of the Environmental Protection Act 1990 to keep the public register which contains the prescribed particulars of, or relating to dogs seized under this section.

(Proposed by Cllr W Burke and seconded by Cllr B Holdman)

Note *Report previously circulated, copy attached to minutes.

83 CLIMATE STRATEGY AND ACTION PLAN UPDATE (00-43-49)

The Group Manager for Corporate Property and Commercial Assets informed the meeting that work was taking place on the development of a strategy and action plan. He had attended meetings with other district councils and the South West Energy

Hub accompanied by the Cabinet Member for Climate Change. The next step would be the production of a spreadsheet that highlighted the opportunities to reduce carbon within the Council and within the budget that was available. The Medium Term Financial Plan had highlighted where improvements could be made to the 'Establishment' to reduce carbon emission.

Consideration was given to:

- Priorities – whether quick fixes would be the first port of call or whether major projects would be encouraged
- The funding that was available within the Capital Programme (for example the Hydro Mills Project)
- The need to be ambitious and look towards the next budget setting process
- Community involvement, community mapping and working with the Town and Parish Councils.

84 **TREE PLANTING – AREAS OF APPROPRIATE LAND (00-57-41)**

The Group had before it and NOTED a *report of the Group Manager for Corporate Property and Commercial Assets providing Members with an update on progress with implementing Council Motion 559 to plant trees as appropriate, as a responsive action to the declared climate emergency.

The officer outlined the contents of the report stating that the report was prepared in response to Motion 559 and that a desktop study had taken place which highlighted all of the potential sites. Officers had also been engaging with the Tree Group, Sustainable Crediton and interested groups in Cullompton and Bradninch.

Consideration was given to:

- The maintenance of trees once planted and that there should be a budget available
- Possible commercial land being made available and who would be the first point of contact for companies offering land
- The use of S106 monies as part of the planning process to encourage tree planting
- Signposting residents to grants available for tree planting
- The off-setting of carbon and how this is calculated

Members thanked officers for the work to date and endorsed further work that was due to take place.

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

85 **CHAIRMANS ANNUAL REPORT (1-09-35)**

The Chairman presented his report to the Group which was **NOTED** and would be presented to Council.

Note *Report previously circulated, copy attached to minutes.

86 **IDENTIFICATION OF ITEMS FOR FUTURE MEETINGS (1-10-44)**

It was suggested that a report with regard to the recycling of commercial trade waste /composting be brought to a future meeting of the Group. It was understood that this may need to be a Part II report.

(The meeting ended at 6.45 pm)

CHAIRMAN

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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **HOMES POLICY DEVELOPMENT GROUP** held on 17 March 2020 at 2.15 pm

Present

Councillors

R J Dolley (Chairman)
D R Coren, L J Cruwys, Mrs C P Daw and F W Letch

Apologies

Councillors

Mrs E M Andrews, J Cairney, C J Eginton and S J Penny

Present

Officers

Jill May (Director of Corporate Affairs and Business Transformation), Helen Carty (Neighbourhood Team Leader), J P McLachlan (Principal Accountant), Catherine Yandle (Group Manager for Performance, Governance and Data Security) and Sarah Lees (Member Services Officer)

75 ELECTION OF VICE CHAIRMAN

RESOLVED that Cllr D R Coren be elected Vice Chairman of the Group for the remainder of the municipal year 2019/20.

76 APOLOGIES AND SUBSTITUTE MEMBERS

Apologies were received from the following Members:

- Cllr Mrs E M Andrews
- Cllr J Cairney
- Cllr C J Eginton
- Cllr S J Penny

77 DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT

There were no interests declared under this item.

78 PUBLIC QUESTION TIME

There were no members of the public present.

79 MINUTES

The minutes of the meeting held on 21 January 2020 were confirmed as a correct record and **SIGNED** by the Chairman.

80 CHAIRMAN'S ANNOUNCEMENTS

The Chairman had no announcements to make.

81 PERFORMANCE AND RISK (00:03:13)

The Group had before it, and **NOTED**, a report * from the Group Manager for Governance, Performance and Data Security providing Members with an update on

performance against the Corporate Plan and local service targets for 2019/20 as well as providing an update on the key business risks.

The contents of the report were outlined with reference to:

- Whether the Group had any suggestions to make regarding additional measures in relation to KPI targets.
- The 6 week public consultation on the Local Plan main modifications had finished on 17 February 2020. 75 representations were received, these were sent to the Inspector for his consideration on 28 February 2020.
- The risk scores in relation to Homelessness and the fact that they were likely to increase given the current and ongoing situation regarding Coronavirus. The Housing Service Business Continuity Plan had been amended to take the current crisis into consideration and mitigating actions had been put in place, for example, the possibility of using some of the Council's void properties to house those classed as homeless.

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

82 FINANCIAL MONITORING (00:08:37)

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 following was brought to the attention of the Group and discussion took place with regard to:

- The report and appendices before the Group only provided data up to the end of quarter three. The forecasted deficit figure in relation to the year-end position had previously been identified as £252k, this had now risen to £292k. This had mainly been due to an under recovery in the Revenues and Benefits area and Planning income being down on budget.
- The HRA was showing a healthy forecasted under spend of £668k. This was ring fenced however and would be returned to the housing maintenance fund at the end of the financial year.
- The 3 Rivers Development Company impairment of loans being a provision at this stage.
- The shortfall in relation to the Premier Inn car parking income. A detailed breakdown was requested and it was **AGREED** that the officer would provide this additional information.
- Concerns regarding those people on low incomes who may not be able to pay their rent or Council Tax.
- Concerns regarding the budgeted income per car parking space in each of the car parks not meeting its target, especially in relation to the Multi-Storey Car Park when so much had been spent on improvements and security.
- Agency fees being high in the Waste Services area. Such fees were reactive and it was difficult to budget for them.

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

83 **CAR PARKING MANAGEMENT POLICY (00:25:40)**

The Group had before it a report * from the Group Manager for Housing Services outlining a review of the Car Park Management Policy.

It was explained that the policy had last been updated in January 2016 and it had therefore been due for review. The review had identified a number of minor changes which included:

- A clause in relation to vehicle maintenance and a requirement for tenants not to block dropped curbs.
- A move to virtual car parking permits rather than paper permits.
- Where vehicles have been abandoned contact would be made with the DVLA.
- The need for the policy to be clear on tenants not parking on grass verges.

Consideration was given to:

- Concerns regarding abandoned vehicles and the difficulties involved in trying to get them removed. These vehicles were not only untidy but quite often attracted anti-social behaviour. The officer explained that removal of these vehicles depended on whether they were on Devon Highways land or on MDDC housing land. If a vehicle was on housing land a notice could be served and enquiries made to find out who the registered keeper was. If the registered keeper did not respond to the notice then the Council had the ability to seize the vehicle and dispose of it. However, this was a lengthy process with officers having to prioritise workloads and other important housing matters. There were cross overs, in terms of how these matters were dealt with, with the Street Scene service who operated under different regulations.
- Abandoned vehicles were just as much of an issue in the rural areas as well as the urban ones.
- The officer requested that the details of specific cases be provided to her outside of the meeting so that further investigations could take place.

RECOMMENDED to the Cabinet that the revised Car Park Management Policy be approved.

(Proposed by the Chairman)

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

84 **GARAGE MANAGEMENT POLICY (00:45:01)**

The Group had before it a report * from the Group Manager for Housing Services outlining a review of the Garage Management Policy.

It was explained that the policy had last been updated in January 2016 and it had therefore been due for review. The review had identified a number of minor changes which included:

- An amendment to facilitate future changes with regard to rental charges.
- Maintenance issues.
- Any reference to 'rent free weeks' had been removed.

- Amendments in relation to garage ground rent plots.

It was further explained that there was an intention to move all housing policies to a ten yearly review unless there were changes to housing legislation or good practice guidance.

RECOMMENDED to the Cabinet that the revised Garage Management Policy be approved.

(Proposed by Cllr F Letch and seconded by Cllr L Cruwys)

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

85 **CHAIRMAN'S ANNUAL REPORT FOR 2019/20 (00:48:32)**

The Group had before it, and **NOTED**, a draft report * by the Chairman of the Group, a final copy of this report would be submitted to Council on 29 April 2020.

86 **IDENTIFICATION OF ITEMS FOR THE NEXT MEETING (00:52:07)**

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

- A review of empty properties within the district.

(The meeting ended at 3.10 pm)

CHAIRMAN

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **ECONOMY POLICY DEVELOPMENT GROUP** held on 12 March 2020 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, A Wyer, R Evans
and B Holdman

Apologies

Councillors

R F Radford and J Wright

Also Present

Officers

Stephen Walford (Chief Executive), Adrian Welsh (Group Manager for Growth, Economy and Delivery), John Bodley-Scott (Economic Development Team Leader), Joanne Nacey (Group Manager for Financial Services), Catherine Yandle (Group Manager for Performance, Governance and Data Security), Dean Emery (Group Manager for Revenues and Benefits), Chris Shears (Economic Development Officer) and Sarah Lees (Member Services Officer)

64 **APOLOGIES AND SUBSTITUTE MEMBERS**

Apologies were received from Cllr R F Radford who was substituted by Cllr R Evans and also Cllr J Wright who was substituted by Cllr B Holdman.

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

No interests were declared under this item.

66 **PUBLIC QUESTION TIME**

No members of the public were present.

67 **MINUTES**

The minutes of the meeting held on 23 January 2020 were confirmed as a correct record and **SIGNED** by the Chairman.

68 **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman had no announcements to make.

69 CREDITON HEART PROJECT (00:00:05)

Trustees from the Crediton Heart Project had been invited to attend the meeting to provide more information about the work of the Crediton Heart Project. This included a presentation with the following key messages:

- Concerns regarding the number of community buildings that had been closed, whether or not Crediton would become a dormitory town and most jobs being in Exeter.
- Activities within the town such as the Crediton Festival, Mumcycles, the Flag Project and the Boniface Heritage Trail.
- The desire for Crediton to be an economic success, a place with cultural talent and a developing community that fulfilled the vision both of the Crediton town plan and Mid Devon District Council.
- The project aimed to create Crediton as a place of destination, acting as the 'social glue' connecting people, encouraging new projects, support businesses and sourcing funding.
- They had a plan for a community website promoting venues, groups, events activities and businesses. However, the project needed flexible spaces for performance, cinema, leisure and learning rooms for meetings, activities, services and small businesses.
- Progress so far included a skilled, active Trustee group, a community consultation resulting in over 600 responses, a professional feasibility study and a commissioned website.
- Next steps included seeking funding for the website to go live later this year, engaging partners for the project, finding a site, commissioning an architect and also seeking funding for a building which would act as the 'hub'.

Discussion followed with regard to how MDDC could engage with the project:

- Old Heathcoat School was available as a possible venue and an invitation was extended to the project group to liaise with a tourism group from Tiverton planning to visit similar sized towns in the Netherlands.
- Crediton had many different clubs but needed a central hub.
- Developers had obligations with regard to S106 and might be interested in engaging with the project. This need not necessarily be in relation to a specific housing site but could be located elsewhere. There could also be opportunities in relation to the Greater Exeter Strategic Partnership (GESP).
- The Project team were encouraged to contact the Economic Development team and local district councillors as sources of expertise in terms of connecting people.
- MDDC had recently launched the 'Visit Mid Devon' website and this could act as a valuable resource for promoting events in the Crediton area. The Economic Development team would be able to provide clarity on how it could link up with other stakeholders and interested parties.
- Investigations could be undertaken to ascertain the extent of certain underused sites (notwithstanding land ownership issues).
- Changes to Business Rates recently announced in the Budget could help new businesses and costs associated with venues. The Project team were encouraged to contact the Group Manager for Revenues and Benefits for further advice.

70 **PERFORMANCE AND RISK REPORT (00:44:38)**

The Group had before it, and **NOTED**, a report * from the Head of Planning & Economic Regeneration providing 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 following was highlighted with the report:

- The 6 week public consultation on the Local Plan main modifications had now concluded. 75 representations were received, these had been sent to the Inspector on 28 February for his consideration.
- The number of businesses supported was slightly down against target but the team had recently lost a member of staff and the quarter referred to was traditionally a quiet time of year.

A brief discussion took place regarding the risks associated with Coronavirus. This was a constantly changing and fast moving situation, for the moment the Council was continuing to operate as usual until advised otherwise by Government bodies.

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

71 **FINANCIAL UPDATE FOR THE NINE MONTHS TO 31 DECEMBER 2019 (00:49:34)**

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

The Group Manager for Financial Services outlined the contents of the report stating that the figures before Members were from the Quarter 3 monitoring calculations. The forecast General Fund deficit for the current year was £292k. She highlighted some of the significant variances which had led to the new deficit figure, that of reduced overpayment recovery and software costs for Revenues and Benefits; and with regard to Trade Waste and Recycling an increase in customers and reduced discounts.

The surplus within the Housing Revenue Fund had reduced to £618k with monies being spent on disabled facilities. The appendices within the report outlined the Capital Programme.

It was the intention in future to produce financial information which was more relevant to each Policy Development Group. Loss of income from car parking and empty shops were two significant areas falling under the remit of this Group.

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

72 **NATIONAL NON-DOMESTIC RATES (BUSINESS RATES) SUMMARY REPORT (00:57:49)**

The Group had requested at their last meeting that they receive a background paper on Business Rates to aid their understanding of this area. This information included how the different types of relief were calculated and the thresholds by which Business Rates became payable and not payable. Over half of the businesses in Mid Devon were claiming Business Rate reliefs to the value of £5.2m.

Announcements made in the budget the preceding day were summarised as follows:

- Retail Relief had been increased in 2020/21 from 50% to 100% - qualifying businesses had been expanded, such as Hotels, B&B, and Holiday Lets – Hospitality generally, music venues and cinemas. It only applied to businesses with an Rateable Value (RV) of less than £51,000
- Pub Relief – Increased from £1,000 to £5,000 Rateable Value (RV) of less than £100,000
- Small Business Grant Funding – What is known so far is that those businesses with a rateable value below £12,000 could get a grant of £3,000, this apparently represented a 3 month advance on their rent. It seemed Local Authorities would be required to administer this grant.
- Public Toilet Relief – Government had said that they would try and fast track the legal changes required to make this happen. Subject to full guidance it was suggested that 100% Mandatory Relief would be paid, fully funded under s31 grant.

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

73 **'SHAPING THE FUTURE - PETROC 2020 - 2025' CONSULTATION - BRIEFING PAPER (01:07:56)**

The Group had before it, and **NOTED**, a briefing paper * providing information regarding a consultation being undertaken by Petroc with staff and stakeholders regarding their future strategic plan for 2020 – 2025. The first stage of the consultation was a listening exercise around 4 scenarios exploring the key themes for their future development. The scenarios were purposely provocative designed to stimulate 'blue-sky' thinking about the potential role of Petroc within the education and training sector from 2025.

The second stage would involve identifying key themes. The Council's Corporate Plan would be able to link into this since a key theme in the Economy area was working with education establishments regarding post 16 education provision.

A brief discussion took place regarding whether or not the Council should provide a response. It was also suggested that a representative from Petroc be invited to attend a future meeting of the Group once all of the consultation stages had been completed

Note: (i) * Briefing paper previously circulated; copy attached to the signed minutes

(ii) Cllr R Dolley declared a personal interest as he had spoken to Petroc staff regarding tourism in the area.

74 **ECONOMIC DEVELOPMENT SERVICE UPDATE (01:13:30)**

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

It was explained that the team were just about to commence year two of the Council's Economic Strategy and reference was made to the informal meeting of this Group where Members looked at the work programme for the Growth, Economy and Delivery area. The Group had identified a number of projects which it felt needed investigation. The Cabinet was also reviewing the priorities for delivery of strategic development projects. However, these activities needed to be set against the amount of available resource.

Discussion took place with regard to:

- Investment and Growth packages – the project would be re-scoped and refocused to support and promote the low carbon construction sector.
- Incubation space – MDDC had supported a bid to the ERDF which had not been successful. Alternative options were being discussed with Petroc and other partners.
- Business Awards – feedback from businesses was that it was not cost effective to pursue this, a wider conversation needed to be had as to what could be done to engage with businesses and get their support.
- The need for specific projects and outcomes to be listed rather than high level strategic aims and aspirations.
- The need for the Group to feed in any additional measures that it thought was relevant especially given the new Corporate Plan.
- The need for the towns 'health check' information to be made available to the Group at the earliest possible opportunity.
- The need for the format of the update report to be reviewed.
- The responsibility of Members in setting the economic direction of the Council.

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

75 **CHAIRMAN'S ANNUAL REPORT FOR 2019/20 (01:32:05)**

The Group had before it, and **NOTED**, a draft report * by the Chairman of the Group, a final copy of this report would be submitted to Council on 29 April 2020.

76 **IDENTIFICATION OF ITEMS FOR THE NEXT MEETING (01:33:15)**

The following was identified for the agenda for the next meeting (as well as the items already identified in the work programme):

- Tiverton regeneration - what could be achieved in the short term, over and above the masterplan, for example, to improve the street scene. Group to consider setting up a Working Group.
- 'Healthcheck' report for each of the towns.

(The meeting ended at 7.10 pm)

CHAIRMAN

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **ECONOMY POLICY DEVELOPMENT GROUP** held on 4 June 2020 at 5.30 pm

Present

Councillors

J M Downes (Chairman)
N V Davey, R J Dolley, R Evans,
Mrs S Griggs, D F Pugsley, R F Radford,
J Wright and A Wyer

Apologies

Councillor

T G Hughes

Also Present

Councillors

L J Cruwys, G Barnell, Mrs F J Colthorpe, B G J Warren,
A White, Mrs M E Squires and Mrs N Woollatt

Also Present

Officers

Stephen Walford (Chief Executive), Andrew Jarrett (Deputy Chief Executive (S151)), Jenny Clifford (Head of Planning, Economy and Regeneration), Adrian Welsh (Group Manager for Growth, Economy and Delivery), Catherine Yandle (Group Manager for Performance, Governance and Data Security), Andrew Busby (Group Manager for Corporate Property and Commercial Assets), Dean Emery (Group Manager for Revenues and Benefits), John Bodley-Scott (Economic Development Team Leader), Chris Shears (Economic Development Officer) and Sarah Lees (Member Services Officer)

1 ELECTION OF CHAIRMAN (CHAIRMAN OF THE COUNCIL IN THE CHAIR)

RESOLVED that Cllr J Downes be elected Chairman of the Group for 2020 / 2021.

2 ELECTION OF VICE CHAIRMAN (00:00:41)

RESOLVED that Cllr N V Davey be elected Vice Chairman of the Group for 2020 / 2021.

3 APOLOGIES AND SUBSTITUTE MEMBERS (00:02:05)

Apologies were received from Cllr T G Hughes who was substituted by Cllr R Evans.

4 REMOTE MEETINGS PROTOCOL (00:02:18)

The protocol for remote meetings was **NOTED**.

5 PUBLIC QUESTION TIME (00:03:10)

There were no members of the public present.

6 **DECLARATION ON INTERESTS UNDER THE CODE OF CONDUCT (00:03:30)**

No interests were declared under this item.

7 **MINUTES (00:03:53)**

The minutes of the meeting held on 12 March 2020 were confirmed as a true and accurate record.

8 **CHAIRMAN'S ANNOUNCEMENTS (00:03:59)**

The Chairman stated that for the time being the Policy Development Group would focus solely on Covid-19 related issues as they affected the Council.

9 **COVID 19 ECONOMIC RESPONSE (00:05:40)**

The Group had before it a report * from the Head of Planning, Economy and Regeneration providing Members with information regarding the Growth, Economy & Delivery team's COVID19 emergency economic and community response activities, informing members of emerging work setting the scene for recovery and providing the opportunity for the Economy PDG Members to contribute towards the process and associated policy direction.

The focus of the discussion was structured as follows and the following updates provided:

Overview of the current situation

- At the current time there had been almost 40,000 deaths recorded nationally, 100 people had tested positive in Mid Devon and there had been 8 deaths in the district.
- The impact upon the south west region had been immense in terms of the impact on the economy and the numbers of unemployed which had increased to 3.8% from 1.7% between March and April 2020.
- Food and drink had really suffered particularly those supplying the hospitality industry
- Regionally, tourism had been badly affected.
- Town centre businesses, particularly retail, had been hit hard by the lockdown.
- Small micro businesses had benefitted by Government grant assistance and in many cases they had been very creative in their endeavours to keep going.
- Larger businesses had had particular issues and many had not been eligible for financial support.

Business Assistance

- Over the last 10 – 12 weeks the Economic Development Team had worked closely with the Rates team administering, to date, 1567 payments totalling £18,457m. There had been strict eligibility criteria in place regarding the initial Government scheme and a mix of businesses had qualified. Feedback from businesses had been very positive.

- A new Discretionary Grants scheme had now been introduced providing a much smaller pot of money at just over £1.1m. Although this was much less it required far more intensive work with the Government requesting that this money be distributed as widely as possible. Information from businesses needed to be gathered before grants could be distributed. To date 21 payments had been made totalling £67,500. It was hoped a further £200k would be distributed in the following week. There were still gaps in terms of who was eligible for this scheme but the team were working hard with Devon County Council and the Local Enterprise Partnership so that partners could lobby Government and plug any gaps.
- The administration of these payments was manageable at the moment given the dedicated nature of the staff working within the relevant teams.
- The Rates Valuation office had been involved in determining how much was needed in each region in relation to business assistance and so far the amount of available money had not been exceeded with some businesses declining take up. Any unspent monies would need to be returned to Government. If there was an overspend the Government had said that they would cover it provided legitimate reasons could be provided.
- As grant distribution under the national scheme was tailing off, it was mentioned that at some point a cut-off date to the original scheme would be helpful in order to ensure the Council could distribute the maximum amount of funding to Mid Devon businesses since any unspent monies remained the property of the Government.

Community Support

- The Council had been managing the Shielding Hub working with colleagues in Leisure, Customer First, Housing, Environmental Health and Property Services. To date, there had been 127 referrals with 107 emergency packs being distributed. On top of this people with dietary needs had been catered for.
- £102k had been received from Devon County Council as a Local Hardship Fund. This was designed to assist people who are self-employed or who had been furloughed or made redundant and experiencing financial hardship, however, there had not been much take up.
- The third element to work in this area had been in trying to secure priority supermarket slots for vulnerable people whose support networks were not being sustained.
- The team had also been liaising with community groups and the voluntary sector.
- It was explained that the bulk of the grants in relation to these community schemes had been received after the 'peak of the wave', therefore they had been slightly too late in terms of the target audience. However, this did not mean that support would not be needed in the weeks and months to come.
- It was confirmed that business grants were taxable but that small discretionary grants were not.

Tiverton Pannier Market

The information provided in the report was relayed with questions being asked in relation to the support and assistance provided in the other towns within the district such as Crediton and Cullompton.

Crediton Town Council had been in touch regarding re-opening the High Street and discussions had taken place with Environmental Health. Cullompton Town Council had also been in contact regarding available grant schemes.

- Regarding the Tiverton Pannier Market, it was suggested that this was a large space and that perhaps an increase on the current number of 2 shoppers permitted inside should be allowed. This initial number had been agreed upon as a result of Government and health and safety guidance, however, this could be looked at again in the light of ever changing advice.
- The Cabinet Member for Planning and Economic Regeneration stated that he had been in touch with the three Town Mayors who he had agreed to meet to discuss a re-opening of the towns on 15 June 2020. Devon County Council would need to be involved especially in relation to traffic issues. He saw it as his and the Economic Development team's role as supporting towns to re-open.
- The Tiverton Town Centre Partnership had some good ideas about re-opening the town under social distancing guidelines which would be explored.

Next steps in planning recovery

Significant concerns remained about the long term impacts of Covid-19, however, the Council needed to explore the initial, most effective, first steps towards recovery.

The Group received a presentation regarding the following key areas:

- The Groups and Bodies involved in Economic Recovery
- Initial thoughts on areas of intervention
- Re-opening the High Streets Safely Fund

Discussion took place regarding:

- Many of the aspirations stated echoed those of the past, were they still relevant? It was explained that they were but that some would now receive a different level of significance. It was fair to say that some of the emerging support measures would taper off.
- It was noted within the presentation that 'the necessary skills needed to be in place' to achieve recovery. This would relate to the skills already within businesses but also that closer working would need to take place with Petroc and the Local Enterprise Partnership to secure the necessary skills going forwards. Support and training opportunities would need to be provided.
- There would be a significant impact on Council funding going forwards, however, it was unclear whether it would return to a period of significant austerity in terms of the financial impact of Covid-19 or it would manifest itself in some other way such as zero rated borrowing. The effects would

be cumulative and it was likely that a revised budget would be brought before Members in the autumn.

Role of the PDG and Members generally

- It was agreed that this was the correct PDG for receiving and understanding information about where we are and how we are doing in terms of getting support out to those that need it. The weekly briefing to all Members was vitally important and strongly encouraged to continue.
- Ward Members must be included in the next stage of recovery and the Re-opening the High Streets Safely Fund since they were the people that had the best local knowledge.
- All councillors had a role to play in risk assessments and in feeding back issues they thought were important.
- It was **AGREED** that an article be placed in WIS regarding the uptake of grants so that all Members could take this back to their communities.
- Town and Parish Councils should be involved in the recovery process as much as possible.
- Current Risk Assessments would determine how many shops could re-open and how quickly.
- The Devon Emerging Recovery Group would be an important group in the move towards recovery and would be a good source of information for the region.

Whilst recognising that the tourism and hospitality sectors had been greatly affected within the region it was still early days within the recovery period and it was difficult to get a feel of the true effects upon the economy at the current moment. This would become more apparent over the coming months and there was an opportunity for the Group to meet on 16 July when perhaps more would be known and actions could be put in place in terms of Member involvement going forwards.

The following summary of the actions needed was identified by the Chairman:

- Members needed to be kept updated on the grants programme, the number of applications received and the amount of grant distributed.
- Members needed to be kept briefed on the businesses involved and supplied with some sort of table illustrating the most severely affected sectors.
- Completing Risk Assessments on High Streets was a priority.
- A programme of support for the tourism and hospitality sectors was vital as well as initiatives to provide a greener outcome going forwards.
- Weekly briefings to Members were vital as well as an opportunity to ask questions.

The Chairman stated that a more focussed discussion could take place at the next meeting once more was known. He thanked the Economic Development team on behalf of the whole Group for the work, assistance and support they had provided to the local community during recent months. This was greatly appreciated by Members since they were at the core of the challenges being faced by the Council and were doing a tremendous job in very difficult circumstances.

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

10 START TIME OF MEETINGS

The Policy Development Group did not discuss this item therefore this would be rolled forward to the next meeting.

11 IDENTIFICATION OF ITEMS FOR THE NEXT MEETING

The Policy Development Group did not discuss items for the next meeting although it had been stated by the Chairman at the start of the meeting that the focus for the Group in the short term would be on Covid-19 related issues only.

(The meeting ended at 7.15 pm)

CHAIRMAN

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **PLANNING COMMITTEE** held on 11 March 2020 at 2.15 pm

Present

Councillors

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

Apologies

Councillor(s)

R F Radford

Also Present

Councillor(s)

C R Slade and Mrs M E Squires

Present

Officers:

Kathryn Tebbey (Head of Legal (Monitoring Officer)), Eileen Paterson (Group Manager for Development), Alison Fish (Area Team Leader), Adrian Devereaux (Area Team Leader), John Millar (Principal Planning Officer) and Sally Gabriel (Member Services Manager)

118 **APOLOGIES AND SUBSTITUTE MEMBERS**

Apologies were received from Cllr R F Radford who was substituted by Cllr S Penny.

119 **PUBLIC QUESTION TIME**

There were no questions from members of the public present.

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

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

121 **MINUTES OF THE PREVIOUS MEETING (00-02-43)**

Subject to an amendment to Minute 112 (c) to include **Extensions of existing dwellings and other ancillary development will be permitted provided they'**: after 'the proposal was not in accordance with Policies DM13 (a) and (c) of the Local Plan Part 3 (Development Plan Policies) and to include: **'Designs of new development must be of high quality, based upon and demonstrating the following principles'**: after and DM2 (a) and (e) of the Local Plan Part 3 (Development Plan Policies).

Minute 112 (d) 5th line of first paragraph remove page 154 and replace with paragraph 154.

The minutes of the meeting held on 12 February 2020 were approved as a correct record and signed by the Chairman.

122 CHAIRMAN'S ANNOUNCEMENTS (00-05-26)

The Chairman had the following announcements to make:

- She welcomed Eileen Paterson (new Group Manager for Development) to her first meeting of the committee.
- She informed the meeting that item 11 on the agenda, the implications report for land at NGR 302839 111143, Lloyd Maunder Road, Willand had been deferred.

123 DEFERRALS FROM THE PLANS LIST (00-06-38)

There were no deferrals from the Plans List.

124 THE PLANS LIST (00-06-50)

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 (***19/01862/FULL Change of use of farm buildings to mixed B1/B8 use and retention of external works – land and buildings at NGR 299326 114323, Bradford Farm, Uplowman***).

The Principal Planning Officer outlined the contents of the report by way of presentation highlighting the different aspects of the application, the site location plan the existing and proposed elevations which outlined the additional rooflights, windows and doors, the apiary unit plans and photographs from various aspects of the site, including views from the neighbouring property. He informed the meeting that the scheme made use of existing buildings and that additional discussions had taken place with the Environmental Protection Officer and the Highways Officer with regard to the access and the parking areas and no objections had been received from those parties.

Consideration was given to:

- The details of the unauthorised works, the detail of B1 use and how the usage could be monitored
- The height of the wall at the entrance and the visibility splay
- The surface of the driveway into the parking area and whether any additional drainage would be required
- Whether any of the new windows would be overlooking the neighbouring property
- The positioning of the portakabin/container
- Whether the application covered all the outstanding issues on the site
- The views of the objector with regard to whether the proposals were in line with Policy DM20 and whether the proposals were appropriate for a countryside location, the site was too large and would impact on the

neighbouring property, the previous application that the previous administration had been minded to refuse (before it was withdrawn) was smaller, there were outstanding enforcement issues on the site and the use of the portakabin/container for a bee-keeping group which would require visits at the weekend

- The views of the applicant's agent who provided clarification with regard to the windows and informed the meeting that the application sought a sustainable use for the buildings on the site. Policy DM11 guided such a proposal (conversion of rural buildings) and not Policy DM20 which was for new build in rural locations. He felt that there would be a limited impact on the neighbouring property and that the application was appropriate. He welcomed the proposed amendment to Condition 11 which would allow its use for agricultural purposes in addition to the uses ancillary to bee-keeping activities taking place on site.
- The views of the local Ward Members with regard to the impact of the proposal on the neighbouring property and whether there was a need for business use accommodation on the scale proposed in the rural location and that there was appropriate space on sites in Tiverton; the impact of the additional traffic movements in the area, issues with the access and the impact of this on the neighbouring property and whether parking could take place in the courtyard. The need for all noise issues to be addressed should the application be approved with the use of an acoustic fence and the replacement of the existing gravel track with a properly consolidated surface.
- Whether a site visit should take place for the new committee to consider all the issues raised.

It was therefore:

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

- The location, condition and proposal in relation to the portakabin/container
- The entrance and visibility from the public highway
- The surface of the entrance and the car park
- The relationship between the car park and the effect on the adjoining property in relation to noise and visual impact

(Proposed by Cllr D J Knowles and seconded by Cllr B G J Warren)

Notes:

- i) Cllrs E J Berry, Mrs F J Colthorpe, Mrs C P Daw, Mrs C A Collis, L J Cruwys, S J Clist, F W Letch, E G Luxton, D J Knowles and B G J Warren all made declarations in accordance with the Protocol of Good Practice for Councillors dealing with planning matters as they had received correspondence with regard to the application;
- ii) Cllrs E J Berry and D J Knowles declared personal interests as the objector was known to them
- iii) Mr Blackmore spoke as the objector;

- iv) Mr Firth (agent) spoke;
- v) The Chairman read a statement from Cllr N V Davey (Ward Member)
- vi) Cllr C R Slade and D J Knowles spoke as Ward Members;
- vii) The following late information was reported:

Could Members please note that there is a typo on page 34/35 of the officer's report. Instead of reading "*due to the close proximity of the two sites, and the presence of similar gravel drive and parking areas present at this adjoining property, it is **not** considered that the car park works adequately respect the character of the surrounding area, without harming the rural context*", the 'not' should be omitted so the line reads as "*due to the close proximity of the two sites, and the presence of similar gravel drive and parking areas present at this adjoining property, it is considered that the car park works adequately respect the character of the surrounding area, without harming the rural context.*"

The applicant has requested an amendment to the wording of conditions 7 and 11 should planning permission be granted. It is requested that condition 7 allow a period of 5 months rather than 3 months to carry out the required works to the bee keeping storage building, to allow the works to take place in summer. The proposed amendment to condition 11 would allow its use for agricultural purposes in addition to the uses ancillary to bee-keeping activities taking place on site. It is proposed to change the wording as follows: *The bee keeping storage building hereby approved shall at all times be used for purposes ancillary to the bee keeping or agricultural activities taking place on site and shall not be used for any non-agricultural activity.*

b) No 2 on the Plans List (19/01840/FULL Erection of 3 dwellings and part demolition of garage to 1 Gaters Gardens to provide access – land at Gaters Orchard and 1 Gaters Gardens, Sandford).

The Area Team Leader reported a recent objection that had been received which was similar to objections highlighted within the report. He then outlined the contents of the report by way of presentation highlighting the site location plan, the proposed block plan for the 3 dwellings (some of which were outside the settlement limit), he emphasised the contours on the map which showed how the dwellings would be built on a slope. The plan also considered the nearby listed properties and the conservation area. The parking spaces were identified, some of which were below the standards outlined in policy DM8 and he explained the Highways Authority's concern with regard to the proposed access. Existing and proposed site sections were provided together with proposed elevations and floor plans for each dwelling and site sections which highlighted the road through to the houses and the position of the listed cottages along with photographs from various aspects of the site.

Consideration was given to:

- The size of access width and the number of parking spaces
- The finished materials for the dwellings

- The views of the applicant's agent with regard to the application being based on individual needs as it was about height, size and positive and negative space, there was a need to look at the landscape geomorphic and the need to design buildings for today. He outlined the finished materials for the building
- The Chairman read a statement from one of the Ward Members with regard to the process and discussions with officers leading up to the presentation of the application, that a possible site visit take place for members to consider local concerns including access, parking and surface water issues
- The views of the Ward Member present with regard to the history of development in Sandford, the need for a site visit so that members could consider the layout of the land. There was a need for the village to grow and the application would not impact on the listed buildings
- The impact of the proposals on the listed buildings and conservation area
- Possible overdevelopment of the site
- Parking issues and that the proposal did not comply with Policy DM8

It was therefore:

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 A Collis)

Notes:

- i) Cllr Mrs M E Squires made a declaration in accordance with the Protocol of Good Practice for Councillors dealing with planning matters as she had spoken with the applicant as Ward Member;
- ii) Mr Hargreaves (agent) spoke;
- iii) The Chairman read a statement on behalf of Cllr Miss E Wainwright (Ward Member);
- iv) Cllr Mrs M E Squires spoke as Ward Member.

125 MAJOR APPLICATIONS WITH NO DECISION (1-34-33)

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

It was **AGREED** that:

Application 20/00249/MOUT – North of Frog Lane, Bampton be brought before committee if the officer's recommendation was one of approval and if that was the case then a site visit should take place.

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

126 **APPEAL DECISIONS (1-35-48)**

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.

127 **APPLICATION 19/1608/HOUSE - ERECTION OF A SINGLE STOREY EXTENSION AND SEPARATE GARAGE/ANNEX/WORKSHOP ACCOMMODATION, TANGLEWOOD, DUKES ORCHARD, BRADNINCH (1-36-12)**

At the Planning Committee meeting on 12 February 2020, Members advised that they were minded to refuse the above application and invited an implications report for further consideration. The Committee therefore had before it a * report of the Head of Planning, Economy and Regeneration setting out the implications of refusal.

The Principal Planning Officer outlined the contents of the report by way of presentation, highlighting the site location plan, the existing and proposed elevations, the garage elevations and the floor plans with photographs from various aspects of the site.

Consideration was given to the proposed reasons for refusal within the report.

It was therefore:

RESOLVED that that application be refused for the following reasons:

1. The proposed garage/store/annexe by reason of its siting, layout, scale and mass, fails to respect or relate to the character, scale and setting of the existing dwelling and its surroundings. As such it would have a detrimental impact on the character and appearance of the locality due to its failure to demonstrate a clear understanding of the characteristics of the site, its wider context and the surrounding area. The proposal is therefore contrary to policies DM2 and DM13 of the Local Plan Part 3 (Development Management Policies) and the aims and objectives of the National Planning Policy Framework.
2. The proposed garage/store/annexe by virtue of its height, bulk and close proximity to the boundary of the site would result in an overbearing and unneighbourly form of development that will have an unacceptably adverse effect on the residential amenity of the occupiers of 2 Dukes Orchard. As such, the proposal is contrary to policies DM2 and DM13 of the Local Plan Part 3 (Development Management Policies) and the aims and objectives of the National Planning Policy Framework.

(Proposed by Cllr B G J Warren and seconded by Cllr E J Berry)

Notes:

- i) Cllr E J Berry declared a personal interest as the applicant was known to him;
- ii) The following late information was reported: The neighbouring occupier, Mrs Brown, had provided additional photographs of the site, and the relationship

with her property, 2 Dukes Orchard. These had been added to the public website;

iii) *Report previously circulated, copy attached to minutes.

128 APPLICATION 19/01156/FULL - INSTALLATION OF A 24MW RESERVE POWER PLANT WITH ASSOCIATED INFRASTRUCTURE - LAND AT NGR 302839 111143 LLOYD MAUNDER ROAD, WILLAND

As stated earlier in the meeting, the application had been deferred and would be considered at a future meeting of the committee.

(The meeting ended at 4.13 pm)

CHAIRMAN

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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **PLANNING COMMITTEE** held on 20 May 2020 at 2.15 pm

Present Councillors

Mrs F J Colthorpe, Mrs C P Daw,
R F Radford, E J Berry, L J Cruwys,
S J Clist, R J Dolley, F W Letch,
D J Knowles, S J Penny and B G J Warren

Also Present Councillor(s)

G Barnell, J M Downes and
Mrs M E Squires

Present Officers:

Jenny Clifford (Head of Planning, Economy and Regeneration), Kathryn Tebbey (Head of Legal (Monitoring Officer)), Eileen Paterson (Group Manager for Development), Adrian Devereaux (Area Team Leader), Helen Govier (Principal Planning Officer), Lucy Hodgson (Area Team Leader), Sally Gabriel (Member Services Manager) and Carole Oliphant (Member Services Officer)

1 **COUNCILLOR GERALD LUXTON**

The Committee held a minutes silence in respect of Gerald Luxton

2 **ELECTION OF CHAIRMAN (00.03.23)**

RESOLVED that Cllr Mrs F J Colthorpe be elected Chairman of the Committee for the municipal year 2020/2021.

(Proposed by Cllr D J Knowles and seconded by Cllr S J Clist).

3 **ELECTION OF VICE CHAIRMAN (00.09.47)**

RESOLVED that Cllr D J Knowles be elected Vice Chairman of the Committee for the municipal year 2020/2021.

(Proposed by Cllr B G J Warren and seconded by Cllr R J Dolley).

4 **PROTOCOL FOR REMOTE MEETINGS (00.11.55)**

The Committee had before it, and **NOTED**, the *Protocol for Remote Meetings.

Note: *Protocol for Remote Meetings previously circulated and attached to the minutes

5 **APOLOGIES AND SUBSTITUTE MEMBERS (00.13.13)**

There were no apologies or substitute Members

6 **PUBLIC QUESTION TIME (00.13.23)**

There were no questions from members of the public present.

7 **DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT (00.13.52)**

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

8 **MINUTES OF THE PREVIOUS MEETING (00.14.06)**

The minutes of the meeting held on 11th March 2020 were agreed as a true record and **SIGNED** by the Chairman.

9 **CHAIRMAN'S ANNOUNCEMENTS (00.16.15)**

The Chairman had no announcements to make.

10 **DEFERRALS FROM THE PLANS LIST (00.16.27)**

There were no deferrals from the Plans list.

11 **THE PLANS LIST (00.16.35)**

The Committee considered the applications in the plans list *.

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

a) 19/02022/FULL - Erection of dwelling, formation of new vehicular access and public footpath at Land at NGR 275194 104806 (Woolsgrove Court), Morchard Road, Devon.

The Principal Planning Officer outlined the contents of the report by way of a presentation highlighting the different aspects of the application including the location of the flood plain, the proposed site plan, block plan, elevations and floor plans.

She explained that Morchard Road is not recognised as a settlement in terms of policy COR17 and was classed as a countryside location and she provided members with revised reasons for refusal:

The harm arising from the provision of a dwelling in this countryside location, in addition to the harm arising to the character, appearance and visual amenity of the site as a result of the scale, mass and design of the proposed dwelling, was considered to significantly outweigh the benefits arising from the scheme. The proposal fails to meet the local plan policies COR1, COR2, COR7, COR9, COR12

and COR18 of the Mid Devon Core Strategy (Local Plan Part 1) and policies DM2 and DM14 of the Local Plan Part 3 (Development Management Policies) and paragraph 11 of the National Planning Policy Framework.

Consideration was given to:

- The location of the designated flood zone and the instances of flooding on the site
- The objection from Network Rail
- The views of the applicant's agent with regard to the ridge height of the proposed property being below the height of neighbouring properties. The high quality of the design of the proposed property and that it was designed to be completely carbon neutral. The proposed new footpath and crossing and that the occupants could use the railway link less than 250 yards away
- The views of the acting Ward Member that occupants would not need to rely on a car as there were good bus and rail networks on the doorstep. That residential planning permission had previously been granted to approximately 15 other properties along Two Moors Way and the benefit of the new footpath and crossing which would make a difference and help children to cross the busy road

It was therefore:

RESOLVED that: the application be refused as recommended by Head of Planning, Economy and Regeneration

(Proposed by the Chairman)

Notes:

- i.) Cllr F W Letch and E J Berry requested that their vote against the decision be recorded
- ii.) Mr Randall (agent) spoke
- iii.) Cllr Mrs M E Squires spoke as acting Ward Member for Taw Ward

b) 19/01309/FULL - Erection of a dwelling including demolition of a garage at Fair Havens, Mill Street, Crediton.

The Principal Planning Officer outlined the contents of the report by way of a presentation highlighting the different aspects of the application including the site location, landscaping, block plans, elevations and floor plans. The presentation included details of the permitted and the extant scheme.

She explained the application history and that the 2003 consent for an extension to the existing bungalow had commenced on time and that the application covered alterations to the original proposal.

Consideration was given to:

- The report of the Planning Working Group who had visited the site
- The materials used for the roof and the cladding and whether these were the same as the original
- What was regarded as permitted development

- The 2003 consent
- Demolition of the existing garage
- The report from the Conservation officer that highlighted the design and materials were not in his view sympathetic to the area but had been previously approved
- The views of the objector who stated that if the Committee were minded to approve the application then they may want to impose conditions concerning the appearance of the roof tiles and more appropriate large planting to shield neighbouring properties from being overlooked
- The views of the applicant's agent with regard to the extensive nature of the extant 2003 consent. The area of non compliance in the ridge line on the roof. The roof tiles were the same material as the original but they had not yet weathered to the same appearance. The proposed planting scheme would mitigate all concerns
- The view of the Town Council that the development was not in line with Policy DM2 and was in a conservation area and it was a prominent building in the area. The inadequacy of the planting scheme and the need for this to be looked at by an expert
- The views of the Ward Member with regard to the developer not having a clear understanding of the heritage of the site and that if the proposal had been brought forward today it would have not been given permission as it was in a conservation area which was not so protected 17 years ago when planning was granted. That if members were minded to approve the application that conditions should be implemented with regard to the roof ridge height, the colour of the roof tiles and an adequate planting scheme

It was therefore:

RESOLVED that: the application be deferred until detailed enforceable conditions could be defined to address Members concerns with regard to:

- The requirement for an enhanced landscaping scheme to include semi-mature tree planting to site boundaries
- The colour of the cladding
- The weathering of the roof tiles to tone down the colour
- The need for the amount of roof lights installed and the glare from those that had already been installed

(Proposed by Cllr F W Letch and seconded by Cllr B G J Warren)

Notes:

- i.) Cllrs E J Berry, Mrs F J Colthorpe, Mrs C P Daw, L J Cruwys, S J Clist, R J Dolley, D J Knowles, F W Letch, S J Penny and B G J Warren all made declarations in accordance with the Protocol of Good Practice for Councillors dealing with planning matters as they had received correspondence with regard to the application;
- ii.) Cllr J M Downes made declared a personal interest as the application site was visible from his property;
- iii.) Mrs Partridge spoke as the objector;
- iv.) Mr Marchant (agent) spoke;
- v.) Cllr Mrs Brooks Hocking spoke on behalf of Crediton Town Council

vi.) Cllr J M Downes spoke as Ward Member

12 **MAJOR APPLICATIONS WITH NO DECISION (1.42.01)**

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

It was **AGREED** that:

Application 20/00594/MFUL Edgeworthy Farm, Nomansland be brought before the committee if the officer recommendation was minded to approve.

Application 20/00273/MFUL Halberton Court Farm, Halberton be brought before the committee if the officer recommendation was minded to approve.

Note: *list previously circulated and attached to the minutes

13 **APPEAL DECISIONS (1.47.25)**

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 and attached to the minutes

14 **START TIMES OF MEETINGS (1.48.20)**

The Committee **AGREED** the start times for meetings should remain at 2.15pm for the remainder of the 2020/2021 municipal year.

(Proposed by Cllr B G J Warren and seconded by Cllr D J Knowles).

(The meeting ended at 4.06 pm)

CHAIRMAN

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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **PLANNING COMMITTEE** held on 17 June 2020 at 2.15 pm

Present

Councillors

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

Also Present

Councillor(s)

R Evans, B A Moore and R L Stanley

Present

Officers:

Kathryn Tebbey (Head of Legal (Monitoring Officer)), Eileen Paterson (Group Manager for Development), Lucy Hodgson (Area Team Leader), Oliver Dorrell (Planning Officer), John Millar (Principal Planning Officer) and Carole Oliphant (Member Services Officer)

15 **VIRTUAL MEETING PROTOCOL (00.04.37)**

The Committee had before it, and **NOTED**, the *'Protocol for Remote Meetings.

Note: *'Protocol for Remote Meetings' previously circulated and attached to the minutes.

16 **APOLOGIES AND SUBSTITUTE MEMBERS (00.04.54)**

There were no apologies or substitute members.

17 **PUBLIC QUESTION TIME (00.05.28)**

Mr Payne referring to item 3 on the plans list stated he would like to ask some questions in regard to the silage clamp application at Gibbet Moor:

- Are the members of the committee aware that the proposal is an industrial development, not an agricultural development as your officers seem to believe?
- Are the members of the committee aware that this proposal would remove nearly 2sq miles of land in North and Mid Devon from agricultural production?
- Are the members of the committee aware that the transport implications of the proposal are far worse than stated in the transport assessment because the transport statement only tells half the story?

- Are the members of the committee aware that the massive lorries taking the silage to Willand will be returning with liquid digestate that is spread on the land to which the grass has been harvested and will therefore be travelling along many local lanes?
- Are the members of the committee aware that the Highways authority have completely ignored the transport of silage and digestate using massive lorries along single track lanes along the proposed silage clamps and the farms supplying the silage?
- Are the members of the committee aware that your officers statement that 'The development is not considered to result in an unacceptable increase in traffic upon the local road network'. This is clearly wrong
- The application site is on the border with North Devon. In November 2018 North Devon District Council were consulted and they stated they considered the application to be for an industrial not an agricultural facility.
- The transport assessment which was issued in July 2019 show that most of the silage will be coming from farms in North Devon and therefore most of the transport issues will effect North Devon. Yet North Devon District Council does not seem to have been consulted since 2018. What happened to the 'Duty to Cooperate' between the neighbouring planning authorities?
- Will the existing field clamps at Gibbet Moor Farm continue to be used which will mean a doubling of the storage from 20,000 to 40,000 tonnes and a doubling of traffic?
- How will the Council stop the continued use of the field clamps?
- Since the traffic implications are a major cause for concern with this application why is there no conditions specifying the type and size of vehicles which can be used to transport the silage?
- Why is there no condition specifying the times by which the silage can be moved into and out of the proposed silage clamps?

18 DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT (00.09.13)

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

19 MINUTES OF THE PREVIOUS MEETING (00.09.22)

The minutes of the meeting held on 20th May 2020 were agreed as a true record.

20 CHAIRMAN'S ANNOUNCEMENTS (00.11.31)

The Chairman had no announcements to make.

21 DEFERRALS FROM THE PLANS LIST (00.11.53)

There were no deferrals from the Plans list.

22 THE PLANS LIST (00.12.00)

The Committee considered the applications in the *Plans List.

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

(a) Applications dealt with without debate.

In accordance with its agreed procedure the Committee identified those applications contained in the Plans List which could be dealt with without debate.

RESOLVED that the following application be determined or otherwise dealt with in accordance with the various recommendations contained in the list namely:

- i) **No 4 on the Plans List (20/00111/FULL - Variation of condition (2) of planning permission 16/01007/FULL to allow the holiday lodge to be used as a permanent dwelling. Gilberts Lodge, Morebath, Tiverton)**
be approved as recommended by Head of Planning, Economy and Regeneration

(Proposed by the Chairman)

Notes:

- i) Cllr B A Moore declared a personal interest as the application was under his ownership and duly left the meeting for the entirety of the item;
ii) The following late information was provided:

Members will have noted that the recommendation of approval is made subject to the prior payment of a contribution towards Public Open Space, and the signing of an accompanying Unilateral Planning Obligation, or the completion of a Section 106 to cover this planning obligation, in accordance with the requirements of Local Plan policy AL/IN/3. It is confirmed that the required contribution has been paid and signed Deed returned. As such no further action is required in this respect should members resolve to grant planning permission

- b) **19/01862/FULL - (Change of use of farm buildings to mixed B1/A2/B8 use and retention of external works. Land and Buildings at NGR 299326 114323, Bradford Farm, Uplowman)**

The Principal Planning Officer explained that the committee had previously considered the application in February and had requested the Planning Working Group to visit in March to consider the following:

- The location, condition and proposal in relation to the portakabin/container
- The entrance and visibility from the public highway
- The surface of the entrance and the car park
- The relationship between the car park and the effect on the adjoining property in relation to noise and visual impact

The Officer outlined the contents of the report by way of a presentation highlighting the car park at the rear of the site, access points and elevations. He explained that the main concerns of the working group were of highway safety, the effect of the development on the neighbouring property and access into the site.

He explained that the Highway Authority had no objections to the development and that the applicant had agreed to a condition of installing an acoustic surface on the car park or fencing to shield the neighbouring property from headlights but that this had not been required by Environmental Health.

Consideration was given to:

- The previous applications and the changes made within the current application
- The traffic flows and the highway issues with the cumulative impact on other developments in the area
- The views of the objector with regard to: the proposal not being in an appropriate location, road safety issues and the change of advice by the previous Highways officer, the legal right to erect a fence, the fence negated all visibility to the east, the narrowness of the access track, the application was equal to the development of 10 houses with regard to vehicle movement, the visibility splays, the car park would have a detrimental effect on the amenity of the neighbouring property and whether there was a proven need for the office accommodation.
- The views of the agent with regard to the length of time it had taken to consider the application, repeated challenges had been met by the applicant, there had been no objection from Environmental Health or the Highway Authority, the application should be dealt with in accordance with policy, the erection of the fence, the application did include parking in the courtyard but this would be for electric cars (as there was a charging point) and disability access, concerns with regard to storage of common agricultural sprays.
- The views of the Ward Member with regard to the siting of the shipping container and whether the proposed cladding would make it a bigger obstruction to views from the neighbouring property, the siting of the car park and the impact on the neighbouring property, the conflict of opinion with regard to highways issues, vehicular movements to and from the site, the times the beekeepers would be visiting the site and a request that any condition require a fence and a silent surface.
- The size of the application and that the works already completed did not require planning permission
- The change of use was to B1/B8 and did not include A2
- The prospect of a fence at the entrance to the neighbouring property had been considered by the Highways Authority and was within expectations and did not require an additional survey
- The independent traffic report commissioned by the objector
- The condition for a solid surface in the car park or installation of fencing

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 application was not in line with Policy DM20 as Members felt that this was not an existing business

- The application was contrary to Policies DM11 and DM20 as Members felt that it was not a conversion of redundant buildings and there was no evidence of insufficient alternative sites in the area
- Construction of the car park was not in accordance with policy and the conversion would not be policy compliant
- The harmful effect on the amenity to the neighbour due to the dust from the chippings in the car park and the height of the proposed fence which would block out light to the windows
- That condition 8 should include both a silent car park surface and the height of the fence

(Proposed by Cllr B G J Warren and seconded by Cllr R F Radford)

Notes:

- i) Cllr B G J Warren declared an interest in accordance with Protocol of Good Practice for Councillors dealing with planning matters as he had had communication from the objector;
- ii) Cllrs R J Dolley, D J Knowles and R F Radford declared personal interests as they knew the objector;
- iii) Cllr L J Cruwys declared an interest in accordance Protocol and Good Practice for Councillors dealing with planning matters as he had spoken to the applicant;
- iv) Cllr S J Clist declared a personal interest as he knew the applicant;
- v) Mr Blackmore spoke as the objector;
- vi) Mr Firth (agent) spoke;
- vii) Cllr C Slade spoke as Ward Member;
- viii) Cllr E J Berry did not participate in the debate or vote in line with the Protocol of Good Practice for Councillors dealing in planning matters, due to a loss of internet connection part way through the presentation of the application and discussion thereon;
- ix) The following information was provided in the update sheet:
 1. Could Members please note that there is a typo on page 32 of the officer's report. Instead of reading "due to the close proximity of the two sites, and the presence of similar gravel drive and parking areas present at this adjoining property, it is not considered that the car park works adequately respect the character of the surrounding area, without harming the rural context", the 'not' should be omitted so the line reads as "due to the close proximity of the two sites, and the presence of similar gravel drive and parking areas present at this adjoining property, it is considered that the car park works adequately respect the character of the surrounding area, without harming the rural context." This was pointed out in the

updates for the previous meeting on 11th March 2020, however was not corrected in this latest committee report.

2. Members will have noted in the 'parking and access' section of the officer's report that since the Planning Working Group Site visit, the neighbouring landowner had raised further concerns over visibility to the east, as this crossed over land in their ownership, and unregistered land outside of the control of the applicant. In response the Highway Authority raised concerns, however were ultimately satisfied with the proposal from a highway safety point of view, following the submission of estimated vehicle movements should the extant agricultural use be recommenced. This was the position at the time of completing the committee report.

Since the completion of the committee report however, the neighbouring landowner, and his agent, have commented further on this matter. In particular it is advised that no commercial agricultural use has taken place since at least 2012, and that the prospect of the number of vehicle movements identified by the applicant occurring is unrealistic. It is also considered that the number of movements associated with the proposed use would be more than suggested in the applicant's submission. Concerns still remain in respect to visibility too. The neighbouring landowner has since commissioned a highway consultant to review the highway matters. In response they have submitted a technical statement, reiterating the concerns that the estimation of vehicle movements associated with an agricultural use is too high, and that those associated with the proposed use is too low. The technical statement suggests the daily vehicle movements would likely be approximately 17 (maximum) for an agricultural use with a more realistic estimation being between 10-16 movements, assuming that some traffic would be directed through other site entrances. Daily trips of 63 and 66 for the proposed business use are suggested. Further analysis is also given in respect to the access, with concerns raised about the levels of visibility accepted by the Highway Authority, noting in particular the potential for the adjoining landowner to obstruct visibility on land within their ownership, and surveyed speeds along the adjoining stretch of road.

In response, the Highway Authority have advised that based on the TRICS data parameters, the total daily trips created by the proposed use would be 18 trips. They have advised that if a pragmatic view was taken and that the lower figure of 10-16 trips suggested in the technical statement was accepted, this would only amount to 2 extra trips, which would not be considered to have a severe impact on the highway network. Further responses have been received in respect to the latest Highway Authority comments, however the Highway Officer has again confirmed that the impact of the proposed use would not be significantly greater than the extant use so as to have a severe impact on highway safety. As such, no objection is raised on highway safety grounds. It is further confirmed that the Highway Officer has fully considered the implications of the neighbouring landowner obstructing visibility within their own land, including noting the potential to seek possession of the unregistered land. The Highway Officer has also confirmed that they would not be able to defend a reason for refusal on highway grounds at appeal. For information,

it has since been noted that the adjoining landowner has proceeded to erect a fence adjacent to the access, in the last few days.

c) 19/01430/FULL – (Erection of an office building and change of use of land from agriculture to groundworks depot. Land at NGR 286163 123831, (Highfield Farm), Oakford).

The Planning Officer outlined the contents of the report by way of a presentation highlighting the location and topography of the site, the block plans, floor plans, proposed elevations, external finishes, lower yard area and office building access lane.

Consideration was given to:

- The views of the objector with regard to the history of the site, the industrial site in the countryside, the expansion of the site without application, no conditions had been applied to the site, the impact on the local residents, the noise on the site which had been reported to the Environmental Health Department, no restriction of working hours on the site and the noisy and heavy industrial process that were taking place
- The views of the applicant with regard to the proposal to regularise the use, the business had moved internally within the site, there would be no increase in traffic or noise, the business was a transitional business in nature, 90% of materials went straight to locations where work was taking place and the lack of objections from statutory authorities
- The views of the Ward Member with regard to the reasons for the call in, the impact of the application on local residents, the location of the application site which was 6 miles away from Bampton, the location was in remote heartland farming country, there were 8 businesses on the site, the application was not in accordance with Policy COR 18, whether enough research had taken place with regard to alternative sites in the area and the impact of the application on the local amenity
- Changes to condition 4 which limited use to Class B1(a) or Class B 1 (b) which prevented any change to residential use
- Changes to condition 6 which restricted external lighting

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

- Number of developments in the area
- Suitability of this particular business in this particular area
- Impact of noise on site and the number of hours worked

(Proposed by Cllr F W Letch and seconded by Cllr L J Cruwys)

Note:

- i) Mrs Hickman spoke as the objector;
- ii) Mr Friend spoke as the applicant;
- iii) Cllr B A Moore spoke as Ward Member;
- iv) The following late information was provided:

Additional Condition

Details of the proposed hydro-brake to serve the surface water drainage system of the development hereby approved shall be submitted to the Local Planning Authority within one month of the date of this permission. On approval of these details the hydro brake shall be installed and the surface water drainage system fully operational within two months of the date of the approval by the Local Planning Authority.

Reason:

To ensure that the surface water discharging from the site is satisfactorily drained, in accordance with policy DM2 of the Mid Devon Local Plan.

Amendment to condition 3 reason

To allow the Local Planning Authority to retain control over the future use of the site, in the interests of visual and residential amenity, in accordance with policy DM2.

Condition 4 and reason amended to read:

The building hereby approved shall be used for purpose falling within Use Class B1(a) or (b) only and for no other purpose (including any other purpose in any Use Class of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification), or any other use permitted under the provisions of Article 3 of The Town and Country Planning (General Permitted Development)(England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification).

R: To allow the Local Planning Authority to retain control over the future use of the building in the interests of residential amenity and to protect the use of the site for employment purposes, in accordance with policies DM2 and DM21.

Condition 6 and reason amended to read:

No external lighting shall be installed on site unless details of such lighting, including the intensity of illumination and predicted lighting contours, have been first submitted to, and approved in writing by, the Local Planning Authority prior to its installation. Any external lighting that is installed shall accord with the details so approved.

R: In the interests of visual and residential amenity and to safeguard biodiversity, in accordance with policies COR2, DM2 and DM20

d) 18/01711/MFUL – (Formation of an open clamp (4630m²) for the storage of silage and provision of new access. Land and Buildings at NGR 288069 117081 (Gibbet Moor Farm), Rackenford)

The Area Team Leader outlined the contents of the report by way of a presentation which detailed the site location, proposed application, the location of the proposed silage clamps, the new access and concrete standing. She explained that an additional condition had been proposed to limit the height of the stored silage to 3m.

The officer then addressed the questions raised at public question time by a member of the public:

- The storage of silage on agricultural land is considered to be agricultural development and not an industrial development
- The size of the clamp was considerably less than 2sq miles
- A transport assessment was submitted with the application and that was reviewed by the Highways Authority and they have had opportunities to comment and they have raised no objections to the application
- With regards to the Highways assessment of the traffic to and from the site, all the evidence was provided to them in respect of the application
- The traffic part in the officers report quotes DM22 and states that development will be permitted where it will not have an unacceptable traffic impact on the local road network. This is a policy quote and reflect the wording in the Local Plan Policy
- North Devon District Council were consulted in July and November 2019 but no response was received
- Mid Devon District Council initially classed the proposal as industrial but this was reassessed and classed as agricultural development.
- There would be no planning restriction on providing field clamps for silage on this or any other land as a result of this application. There was some control on the creation of new clamps under other legislation beyond planning legislation
- The Planning application states that once the proposed open clamp was installed there would be no need for additional field clamps
- The Highways Authority would have advised the local planning authority if there was a need to control the type or size of vehicles using the site but have not done so
- Public Health did not raise any concerns with regard to the times of use of the site and we are not aware of any justification for that restriction at this time

Discussion took place with regard to:

- The highways report and the details of any legal advice
- The capacity of the existing field clamps and the proposed clamp
- The impact of heavy lorries on the local road network
- The attenuation areas for surface water
- The impact of the application on local water courses
- Legislation with regard to any pollution of water courses

- Government Guidance with regard to the purposes of agriculture
- The capacity of the attenuation tanks
- Travelling between sites
- Whether members had all the necessary information to consider the application
- The view of the objector with regard to the application not being agricultural but an industrial facility to feed the Willand AD plant, the distance to source grass for the clamps, the details of the Transport Assessment, the application did not satisfy policy DM22 and that the digestate from the AD plant would be returned to the fields
- The views of the local Ward member with regard to the transport assessment, industrial development, pollution, transport impact on the local road network, the concerns of local parish councils, the traffic arising from GFL sites and the concerns with regard to the calculations within the report.

It was therefore:

RESOLVED that:

A decision be deferred for a report to be received to address Members questions with regard to:

- Where was the legal advice sought from as stated on 4th February 2020
- Which NPPF was referred to under paragraphs 170 and 171 under Principle of Development
- What was the combined capacity of the existing field clamps and the proposed permanent clamp and the effect on traffic movements if they were both in operation
- Where does the Town and Country Planning Act define open clamps for the storage of silage as agricultural
- Are the size of the attenuation ponds sufficient for the run off water for both the silage coverings and the concrete hardstanding and is the drainage considered adequate for this site
- Had the climate change issue been addressed with the amount of proposed vehicle movements
- Had the public concerns that this is not an agricultural facility but an industrial one been addressed
- Had the Ward Members concerns with regard to the pollution and transport impact on the local area been addressed

(Proposed by the Chairman)

Notes:

- i) Cllr B G J Warren declared an interest in accordance with Protocol and Good Practice for Councillors dealing with planning matters as he had had communication from the objector and a personal interest as he was Chairman of Willand Parish Council;
- ii) Cllrs R J Dolley, D J Knowles and R F Radford and R J Stanley declared a personal interest as they knew the objector;

- iii) Cllr Mrs P J Colthorpe declared an interest in accordance with Protocol and Good Practice for Councillors dealing with planning matters as the site was in her County Ward and a personal interest as she knew the applicant;
- iv) Dr Phillip Bratby spoke as objector;
- v) Mr Waite spoken on behalf of the applicant;
- vi) Cllr R J Stanley spoke as Ward Member;
- vii) Cllrs B G J Warren and E J Berry request that their vote against the decision be recorded.

23 **APPEAL DECISIONS (03.34.40)**

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 and attached to the minutes.

(The meeting ended at 5.53 pm)

CHAIRMAN

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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **STANDARDS COMMITTEE** held on 10 June 2020
at 6.00 pm

Present

Councillors

C J Eginton (Chairman)
Mrs F J Colthorpe, C R Slade,
Mrs M E Squires, L D Taylor, A White,
A Wilce, Mrs N Woollatt and A Wyer

Also Present

Councillor(s)

R M Deed and L J Cruwys

Also Present

Officer(s):

Kathryn Tebbey (Head of Legal (Monitoring Officer)), Maria De Leburne (Legal Services Team Leader), Deborah Sharpley (Solicitor) and Sally Gabriel (Member Services Manager)

1 **ELECTION OF CHAIRMAN**

RESOLVED that Cllr C J Eginton be elected Chairman of the Committee for the municipal year 2020/21.

2 **PROTOCOL FOR REMOTE MEETINGS (00-03-33)**

The protocol for remote meetings were **NOTED**.

3 **ELECTION OF VICE CHAIRMAN (00-03-46)**

RESOLVED that Cllr A Wilce be elected Vice Chairman of the Committee for the municipal year 2020/21.

4 **APOLOGIES AND SUBSTITUTE MEMBERS (00-04-27)**

There were no apologies.

5 **PUBLIC QUESTION TIME (00-04-35)**

There were no questions from members of the public present.

6 **MINUTES (00-04-43)**

The minutes of the last meeting were approved as a true record and signed by the Chairman.

7 DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (00-05-10)

Members were reminded of the need to make declarations of interest when necessary.

8 CHAIRMAN'S ANNOUNCEMENTS (00-05-55)

The Chairman had no announcements to make.

9 ANNUAL REPORT OF THE MONITORING OFFICER

The Committee had before it a * report of the Monitoring Officer providing an overview of the preceding year.

She outlined the contents of the report stating that this provided evidence of the work that had taken place during the previous municipal year. She highlighted the following:

- The recruitment of the second Independent Person – Mr Rob Jeanes (who was present and introduced himself to the committee); the role of the Independent Person and whether they could be used in additional ways to assist the work of the committee.
- The role of the Deputy Monitoring Officers
- Complaints received under the Code of Conduct which were identified within the annex to the report
- The use of social media and its advantages and disadvantages; the guidance produced by the council and the lack of further national guidance
- Town and Parish Councils and the issues that had arisen with newly elected/co-opted councillors not complying with the requirement to submit a register of interest form within the required timescales. Following discussions with the committee the Monitoring Officer had written to those who had registers outstanding and 2 councillors had (with the agreement of the committee) been referred to the police for investigation. She informed the meeting that the Police had written to the individuals but that the issue had not been progressed any further. In view of the timescales involved she needed to look at proceedings for a Standards Hearing.
- Committee on Standards in Public Life, the committee had considered the report but legislative changes would be required to enact many of the recommendations, however some of the best practice highlighted within the report had been put in place.
- Gifts, hospitality and register of interests and how the system had been streamlined encouraging members to use a new form.

Consideration was given to:

- Whether there had been a rise in the number of complaints in the last year and whether the complaints were against district or town and parish councillors.
- The timescales for dealing with complaints
- With regard to the outstanding Register of Interest Forms and lack of progress made by the police whether the Police and Crime Commissioner should be contacted to follow this up on the committee's behalf

- How the gifts and hospitality forms would be published

RESOLVED that:

- a) The report be **NOTED** and circulated to all Town and Parish Councils for information; and
- b) The Chairman write to the Police and Crime Commissioner seeking assistance from the Police with regard to the 2 outstanding Register of Interest Forms.

(Proposed by the Chairman)

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

10 **NEW MODEL CODE OF CONDUCT - CONSULTATION (00-34-18)**

The Committee had before it a *draft model Code of Conduct which had been issued to Monitoring Officers prior to any formal consultation date.

The Monitoring Officer informed the meeting that a consultation document had now been made available and had been circulated to the committee, there was a need to decide how to engage with the wider membership and the town and parish councils. She explained that the consultation period was from 8 June – 17 August and that some of the recommendations from the Committee for Standards in Public Life had been incorporated into the specific obligations of general conduct.

The Deputy Monitoring Officer (Maria de Leburne) then provided an overview of how the new draft code had been formulated through LGA events and workshops; the 12 specific obligations within the model code, the lack of mention of pre-determination within the draft model, and how the use of social media had been incorporated into the 'Civility' section. She then walked Members through the consultation questionnaire.

Consideration was given to:

- The on-line questionnaire and how Members and the town and parish councils should be encouraged to take part in the consultation either individually and/or collectively via the Monitoring Officer
- Whether a request could be made for the consultation period to be extended to allow for the Town and Parish Councils to meet to consider the consultation document

RESOLVED that:

- a) The email correspondence received from the LGA with regard to the consultation process for the Model Member Code of Conduct be forwarded to all Members and to the town and parish councils with a note to encourage participation either individually or by contacting the Monitoring Officer with regard to feeding into a collective response from the local authority; and
- b) The Monitoring Officer write to the LGA on behalf of the Committee requesting an extension to the consultation period to 30 September 2020.

(Proposed by Cllr Mrs N Woollatt and seconded by Cllr C R Slade)

Note: * Draft Code previously circulated, copy attached to minutes.

11 COMPLAINTS (1-08-25)

The Monitoring Officer explained that her annual report had provided all the data for the municipal year 2019/20, she then outlined the number of complaints received since the end of March 2020.

12 IDENTIFICATION OF ITEMS FOR THE NEXT MEETING (1-13-05)

The following items were identified for the next meeting of the committee:

- A potential update from the Governance Working Group depending on how far the work of that group had progressed and whether the input of the Committee was desirable or necessary
- Possible outcomes of the consultation on the model draft Code of Conduct and information on any other national documents that may be available.

(The meeting ended at 7.15 pm)

CHAIRMAN

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **LICENSING COMMITTEE** held on 19 June 2020 at 10.30 am

Present

Councillors

J Cairney (Chairman)
Mrs F J Colthorpe, D R Coren, J M Downes,
T G Hughes, R J Chesterton, D J Knowles,
Mrs E M Andrews, S J Penny, L D Taylor
and A Wilce

Apologies

Councillor(s)

Miss J Norton

Also Present

Councillor(s)

R M Deed and L J Cruwys

Also Present

Officer(s):

Maria De Leiburne (Legal Services Team Leader), Thomas Keating (Specialist Lead (Licensing) Officer), Deborah Sharpley (Solicitor), Sarah Lees (Member Services Officer) and Carole Oliphant (Member Services Officer)

1 ELECTION OF CHAIRMAN (CHAIRMAN OF THE COUNCIL IN THE CHAIR)

Cllr J Cairney was elected Chairman for the municipal year 2020-2021.

(Nominated by Cllr L D Taylor and seconded by Cllr J M Downes)

2 VIRTUAL MEETING PROTOCOL

Members had before them, and **NOTED**, the *remote meetings protocol.

Note: *Remote meeting protocol previously circulated and attached to the minutes

3 ELECTION OF VICE CHAIRMAN

Cllr D R Coren was elected Vice Chairman for the municipal year 2020-2021

(Nominated by Cllr S J Penny and seconded by Cllr Mrs F J Colthorpe)

4 APOLOGIES AND SUBSTITUTE MEMBERS

Apologies were received from Cllr Miss J Norton

5 DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT

There were no declarations made

6 PUBLIC QUESTION TIME

There were no members of the public present

7 MINUTES OF THE PREVIOUS MEETING

The *minutes of the meeting held on 4th July 2019 were **AGREED** as a true record

Note: *Minutes previously circulated and attached to the minutes

8 ENFORCEMENT UPDATE

The Specialist Lead Licensing Officer addressed the Committee and explained the remit of the Licensing Committee.

He explained that the Licensing team were not currently completing pro active inspections but were concentrating on Covid-19 restrictions. There had been 3 public houses who had possibly been opening under the current restrictions. He explained that the team was predominately giving advice to businesses and dealing with administrative issues.

He informed members that the Council had not been enforcing annual licensing fees during the pandemic as most of the businesses had been closed. He explained that the next focus for the team would be to provide a free advice service for businesses who would be re opening in the coming months to advise them how they could do this safely within the regulations. He stated that they had started to take the first enquiries from businesses which planned to reopen.

He stated that the first virtual licensing hearing had been conducted and that the process had gone well. The team would look to try and retain the option of virtual meetings for future hearings.

In response to a question the Specialist Lead Licensing Officer explained that the Licensing team would be working alongside the Public Health team to ensure that social distancing measures were being adhered to in re opened licenced businesses.

Members expressed their appreciation in the way that Officers had acquitted themselves during the current crisis.

(The meeting ended at 10.50 am)

CHAIRMAN

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **REGULATORY COMMITTEE** held on 19 June 2020
at 11.00 am

Present

Councillors

J Cairney (Chairman)
R J Chesterton, Mrs F J Colthorpe,
D R Coren, J M Downes, T G Hughes,
D J Knowles, Mrs E M Andrews, S J Penny,
L D Taylor and A Wilce

Apologies

Councillor(s)

Miss J Norton

Also Present

Councillor(s)

R M Deed and L J Cruwys

Also Present

Officer(s):

Maria De Leburne (Legal Services Team Leader), Thomas Keating (Specialist Lead (Licensing) Officer), Deborah Sharpley (Solicitor), Sarah Lees (Member Services Officer) and Carole Oliphant (Member Services Officer)

1 ELECTION OF CHAIRMAN (CHAIRMAN OF THE COUNCIL IN THE CHAIR)

Cllr J Cairney was elected as Chairman for the municipal year 2020-2021

(Nominated by Cllr LD Taylor and seconded by Cllr J M Downes)

2 ELECTION OF VICE CHAIRMAN (03.58)

Cllr D R Coren was elected Vice Chairman for the municipal year 2020-2021

(Nominated by Cllr S J Penny and seconded by Cllr Mrs F J Colthorpe)

3 APOLOGIES AND SUBSTITUTE MEMBERS (04.40)

Apologies were received from Cllr Miss J Norton

4 DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (04.49)

There were no declarations made

5 PUBLIC QUESTION TIME (05.20)

There were no members of the public present

6 VIRTUAL MEETINGS PROTOCOL (05.29)

Members had before them, and **NOTED**, the remote meeting protocol

Note: *remote meetings protocol previously circulated and attached to the minutes

7 **MINUTES OF THE PREVIOUS MEETING (05.48)**

The minutes of the meeting held on 4th July 2020 were **AGREED** as a true record

8 **ANIMAL WELFARE LICENSING POLICY (08.02)**

The Committee had before it a *report of the Specialist Lead Licensing Officer outlining a new Animal Welfare Policy.

He outlined the contents of the report and policy and explained that it covered boarding kennels and catteries, riding establishments pet shops and dog breeders. Currently there were varying degrees of standards across the country and that the new legislation had been brought in to address that. He explained that the legislation controlling zoo's and dangerous animals had not changed.

He explained that was not a statutory obligation for Licensing authorities to have an Animal Welfare Policy but this was being introduced as a best practice guidance document for applicants.

He explained that the conditions for the establishments were now set nationally and that guidance had been provided by DEFRA. He informed members that the new legislation required the Licensing Authority to have qualified officers dealing with animal welfare by 2021 and that both the MDDC Licensing officers were currently undertaking the relevant qualification required.

The Policy had been through a consultation process and the RSPCA had commented on the complaints process which had been adjusted to take into account their views.

In response to a question asked the Specialist Lead Licensing Officer explained that the policy did not require for an independent veterinarian to complete inspections at riding establishments and that it was possible for an applicant to use their own veterinarian.

Consideration was given to:

- Recharge of veterinarian fees to applicants
- Partnership working with neighbouring authorities to secure additional specialist officer support if required for complex cases
- The scope of who was investigated during the application process
- Although Officers have a range of delegated powers, issues could still be brought to a hearing of a Sub Committee.
- The requirement of establishments to display their licence including their star rating
- The factors which contributed to an establishments star rating

It was therefore **RECOMMENDED** to Council:

That the Animal Welfare Policy be adopted subject to the amendment of clause 15.2 as follows:

For the activity of hiring out horses, there is a requirement for an annual inspection by a independent veterinarian, regardless of the total length of the license. The Council must appoint a listed veterinarian to inspect the premises on which the activity is being carried out before the end of the first year after the license is granted and then each subsequent year. It is this Council's policy that the veterinarian must be independent and not one that is retained by the applicant/licence holder.

Proposed by the Chairman)

Note: * Report previously circulated and attached to the minutes

9 **ENFORCEMENT UPDATE (30.51)**

The Specialist Lead Licensing Officer explained that the Regulatory Committee covered the area's that the Licensing Committee did not and the main bulk of the work was Hackney Carriage and Private Hire Licensing.

He explained that the Regulatory team had to amend their processes due to current restrictions and that they were now accepting documents by email rather than in person. He informed members that this did not include DBS certificates and that applicants still had to provide the original copies.

One of the effects of the current restrictions was that taxi drivers could not obtain a medical certificate to show fitness for work and the authority had allowed drivers to self certify themselves as fit to work.

He explained that unlike public transport there was no requirement for face masks to be worn in taxis but many of the companies had introduced their own safety measures.

He described a recent successful prosecution in which an unlicensed mini bus operator had been caught and pleaded guilty.

He explained that a requirement of holding a MDDC taxi licence was for drivers to attend safeguarding training and that 5 drivers had failed to do so. Members were informed that the licenses of drivers failing to complete the training had been suspended. During the current crisis it had not been possible to hold classroom based safeguarding training sessions and this had been switched to on line certificates as a temporary measure. It was hoped to reintroduce face to face classroom based training as soon as practicable.

(The meeting ended at 11.41 am)

CHAIRMAN

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**REGULATORY COMMITTEE
19 JUNE 2020**

ANIMAL WELFARE LICENSING POLICY

Cabinet Member(s): Cllr Dennis Knowles (Community Well Being)
Responsible Officer: Simon Newcombe, Group Manager for Public Health & Regulatory Services

Reason for the report: on 1 October 2018 changes to the licensing of animal boarding establishments, dog breeding establishments, pet shops and riding establishments were introduced. The Council also took on the responsibility for the licensing of 'keeping animals for exhibition'.

As a result, the Licensing Officers within Public Health and Regulatory Services have drafted and consulted on an Animal Welfare Licensing Policy. This report seeks to inform the Committee of the result of this consultation and puts forward a policy to adopt.

RECOMMENDATION: The Regulatory Committee recommends to Full Council that the draft Animal Welfare Licensing Policy (attached in Annex 1 of this report) be adopted.

Financial Implications: All fees for animal related licences have been set already, calculated on a cost recovery basis and will be reviewed regularly. The fees payable for specific premises are dependent on the length of licence granted, which is, in turn, dependent on the risk rating of the premises. In general, the lower risk the premises is, the longer the licence will be granted for.

The animal licensing scheme falls within the definition of 'services', and is subject to the EU Services Directive, incorporated in to UK law as the Provision of Services Regulations 2009.

The fees are therefore split into two parts; Part A and Part B. Part A is the application fee, which is payable on submission and covers the cost of considering and processing the application. Part B is the licence fee, payable by successful applicants to cover the costs of ongoing enforcement and compliance requirements.

Budget and Policy Framework

There are no direct budget implications of this policy. Indirectly, matters relating to fees for licenses as relevant to the internal budget and external financial regulatory compliance are discussed under Financial Implications above and within the report. The policy implications are as set out under Legal Implications below and also within the body of the policy itself (as determined by the statutory framework).

Legal Implications: The regulations and guidance issued by DEFRA set out the activities which must be licensed, who may apply for a licence and how the Council

must determine applications for a licence. The regulations also set out the conditions which must be applied to any licence granted.

The relevant legislation can be found here:

<https://www.legislation.gov.uk/ukdsi/2018/9780111165485>

The relevant DEFRA guidance can be found here:

<https://www.gov.uk/government/publications/animal-activities-licensing-guidance-for-local-authorities>

Should the Council refuse to grant or renew a licence (or revoke or vary an existing license), the applicant may appeal to a First-tier Tribunal. This must be done within 28 days of the decision.

The statutory guidance issued by DEFRA requires the Council to provide an appeal process to enable applicants to challenge the star rating they are given. The guidance sets out the timescales for this and the level of officer who should deal with the appeal. If a business is still dissatisfied, they can challenge the appeal outcome by way of judicial review. Licence holders can also pay for a re-inspection when they have carried out improvements, which could lead to a higher star rating being issued.

The adoption of a specific licensing policy will assist the Council in carrying out its functions under the regulations in a fair and transparent way.

Risk Assessment: It is not a statutory requirement for a Council to have an Animal Welfare Licensing Policy. However, doing so has a number of benefits. For example, some of the decisions that the Council may make will have a right of appeal against them and a Policy will help to ensure consistency and can be used to help justify any action that is taken.

Equality Impact Assessment: The general public sector equality duty within the Equality Act 2010 has overarching application and requires public bodies to have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
- Advance equality of opportunity within and between people who share a protected characteristic and those who do not
- Foster good relations between people who share a protected characteristic and those who do not.

When carrying out any of its functions, the Council will comply with this duty in the general application of all its licensing duties. There are however no direct equality implications arising from the policy itself.

Relationship to Corporate Plan: none

Impact on Climate Change: None directly arising from the report or attached policy.

Consultation: The Council consulted on the draft Policy from 18 November 2019 until 31 January 2020. Further information on this is provided in section 3 of this report.

1.0 Background

1.1 Before 1 October 2018, the Council was responsible for the regulation of a variety of animal related businesses. These were:

- **Animal boarding establishments** - For businesses accommodating dogs or cats e.g. kennels, catteries, home boarders, dog day care.
- **Dog breeding establishments** - Premises used for, or in connection with, the commercial breeding of dogs.
- **Pet shops** - Any business which keeps animals with a view to selling them as pets.
- **Riding establishments** - Premises which keep horses and ponies for hire for riding, or for riding tuition (excluding livery stables).
- **Zoos** - An establishment where wild animals are kept for exhibition to the public (otherwise than for the purposes of a circus and in a pet shop)
- **Dangerous Wild Animals** - A licence which enables the keeping of an animal considered wild, dangerous or exotic. A full list of the animals that need to be covered by such a licence can be seen here: <http://www.legislation.gov.uk/ukxi/2007/2465/schedule/made>

1.2 Before 1 October 2018, numerous pieces of legislation (and secondary legislation) regulated the six licence types set out above. Additionally, Councils were able to adopt and implement their own specific conditions which meant that the process of applying for a licence (and subsequent compliance requirements) varied around the Country. This led to uncertainty and confusion, especially when applicants had businesses in other areas (or experience of running businesses in other areas).

1.3 Additionally, all of the licences were standalone, meaning that if a business wanted to offer two or more of the licensed activities then they would have to apply for two separate licences.

1.4 In addition to the licenses set out in Paragraph 1.1, it should also be noted Devon County Council was previously responsible for the registration of 'performing animals' within Mid Devon.

- 1.5 The Animal Welfare Act 2006 introduced a new licensing power which enabled nationally set regulations to be made for any animal related activities. As a result, the *Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018* were published, which significantly changed the way animal related businesses are inspected and licensed. The regulations came into force on 1 October 2018.
- 1.6 It is important to note that the new regulations do not change anything related to the licensing of dangerous wild animals and zoos. These premises are still licensed by Mid Devon District Council as they have previously been under their respective legislation.
- 1.7 Local Authorities are not required by law to have an Animal Welfare Policy but the Licensing Team believe that, for a number of reasons, it is beneficial to have one. The draft Policy is attached as Annex 1. It contains some proposed amendments (via tracked changes) and more information on this is provided later in this report.

2.0 Changes to animal related licensing

2.1 The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 (“the Regulations”) define the animal based activities that require licences as follows:

- **Selling animals as pets** (or with a view to their being later resold as pets) in the course of a business i.e. with the intention of making a profit or earning a commission
- Providing or arranging for the provision of **accommodation for other people’s cats or dogs in the course of a business** on any premises where the provision of that accommodation is a purpose of the business
- **Hiring out horses** in the course of a business for either riding, instruction in riding, or both
- **Breeding dogs and advertising a business of selling dogs**; or breeding three or more litters of puppies in any 12-month period
- **Keeping or training animals for exhibition in the course of a business for educational or entertainment purposes**, either to any audience attending in person, or by the recording of visual images of them by any form of technology.

2.2 The first significant change is that all four existing types of licence, together with the additional activity of keeping and training animals for exhibition (which is brought over from Devon County Council), will be covered by one new ‘**Animal**

Activity licence'. If an applicant is running more than one type of activity, each activity will be assessed separately and set out in the one licence. The length of licence (previously one year in most cases) may now be anything between one and three years, and is dependent on the type of licence being applied for and the outcome of the inspection.

- 2.3 Unlike the previous legislation, conditions are no longer set locally. The Regulations include a set of minimum 'general' conditions for a range of issues, including record keeping, types and numbers of animals, staffing, maintaining a suitable environment and diet, monitoring behaviour, handling of the animals, protecting the animals from pain, suffering, injury and disease and dealing with emergencies. Each specific animal activity then has its own set of more detailed conditions, tailored to that particular activity.

Inspection Process

- 2.4 In the past, an inspection of the premises has been carried out by a member of the Council's Licensing Team and there was no requirement for this person to have any particular qualification. However, the new regulations now require a 'qualified inspector' to carry out inspections. Additionally, and specifically for new dog breeding establishments and new (and renewal) horse riding establishments, inspections must be completed by, or include, the involvement of a veterinary surgeon.
- 2.5 To qualify to inspect premises a person must now hold a Level 3 certificate granted by a body recognised and regulated by the Office of Qualifications and Examinations Regulations (Ofqual). It should be noted that a qualified veterinary surgeon is automatically able to carry out inspections.
- 2.6 Transitional powers are in place meaning that up until October 2021, any person that can show evidence of at least one year of experience in animal licensing (and inspecting animal activities businesses) can continue to undertake this work. After that time, the requirements set out in Paragraph 2.5 will need to be met. At the time of writing this report, two Licensing Officers have successfully completed the training and examination for the required Level 3 Certificate. They are currently completing the final stage work-based portfolio which is planned for completion at the end of 2020.
- 2.7 Under the new arrangements, the inspection process will be much more comprehensive, and built around providing the premises with a 'risk rating'. This process will establish whether the business is 'lower risk' or 'higher risk' based on the standards set out in the regulations and guidance. The risk rating will then result in a 'star rating', where the premises will be awarded between one and five stars. This in turn will determine the length of the licence (with the exception of *'Keeping and Training Animals for Exhibition'*, where all licences must be issued for 3 years). The star rating which a premises received will then be displayed on the licence.

- 2.8 As documented in the draft policy, operators of businesses will be able to appeal their risk rating, or request a reassessment if they have made improvements.

Suitable Applicants

- 2.9 Any individual who carries on a licensable activity will be designated as the operator of the business, and can apply for a licence providing they are not disqualified from holding a licence (in accordance with the regulations).
- 2.10 In order to ensure that an individual has not been disqualified from holding a licence, the Council has drafted a policy setting out the criteria which will ensure that only suitable applicants are granted a licence. This includes requiring an applicant to provide a basic disclosure (DBS) certificate.
- 2.11 The draft policy also states that a licence will only be granted if the Council is satisfied that the licence conditions will be met. In considering this, the Council will take into account whether the applicant is a fit and proper person to be the 'operator'. The term 'fit and proper' is not defined in the legislation or guidance but the draft policy states that the Council will consider a 'fit and proper person' to be an individual who can demonstrate upon application that they have:
- the right to work in the UK
 - no relevant convictions
 - not been disqualified from holding a licence
 - the knowledge, experience, compliance history (if applicable) and ability to comply with licence conditions and safeguard the welfare of animals in their care
 - made suitable management and training arrangements to safeguard and protect any staff and/or members of the public who may be affected by the licensed activity.

3.0 Consultation

- 3.1 The draft Policy originally consulted on is attached as Annex 1. The tracked changes it includes reflect subsequent amendments that are, in part, made in response to comment(s) received during the consultation period.
- 3.2 The Council consulted on the draft Policy from 18 November 2019 until 31 January 2020. Emails and letters providing details of the draft policy were sent to the following parties:
- All existing animal related licence holders within Mid Devon
 - RSPCA
 - DEFRA
 - Trading Standards

- 3.3 A notice advertising the consultation was also placed in the reception area of Phoenix House, Tiverton, on the Council's website and via its social media account. Additionally, an item was placed in the Council's Weekly Information Sheet (WIS) to notify Members.
- 3.4 Five responses were received to the consultation. One was from the RSPCA and four were from establishments that hold animal related licences with the Council already.
- 3.5 The relevant sections of responses, along with Officer Comments to each, is attached as Annex 2.
- 3.6 The proposed Policy for adoption (complete with tracked changes following consultation) is attached as Annex 1.

4.0 Summary of options

- 4.1 The Committee have the following options:
- a) Recommend to Full Council the adoption of the Policy attached as Annex 1;
 - b) Recommend to Full Council the adoption of a modified Policy; or
 - c) Make no recommendation to Full Council

5.0 Recommendation

- 5.1 The Regulatory Committee recommends to Full Council that the draft Animal Welfare Licensing Policy (attached in Annex 1 of this report) be adopted.

Contact for any more information:

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Background papers:

The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 - <https://www.legislation.gov.uk/ukdsi/2018/9780111165485>

Animal activities licensing: guidance for local authorities (DEFRA) - <https://www.gov.uk/government/publications/animal-activities-licensing-guidance-for-local-authorities>

Animal Welfare Licence Fees - A Practical Guide to Fee Setting (Non Statutory Guidance) - <https://www.local.gov.uk/animal-welfare-licence-fees-practical-guide-fee-setting-non-statutory-guidance>.

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Animal Welfare Licensing Policy

Date of implementation: TBC

**Mid Devon District Council
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Mid Devon District Council
Animal Welfare Licensing Policy

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1.0 Introduction

- 1.1 This policy sets out how the Council will exercise its functions under the Dangerous Wild Animals Act 1976, the Zoo Licensing Act 1981, the Animal Welfare Act 2006, and the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018.
- 1.2 This policy has been introduced pursuant to the commencement of the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 (hereinafter referred to as the “Regulations”) on 1 October 2018. Where relevant (and appropriate), specific information has been provided relevant to the Dangerous Wild Animals Act 1976 and the Zoo Licensing Act 1981.
- 1.3 The Policy will be reviewed as standard every 3 years following first approval, and at other times where considered necessary (for example, to reflect significant changes in relevant legislation or guidance).
- 1.4 Any general reference to ‘guidance’ in this policy is reference to the ‘*Animal activities licensing: guidance for local authorities*’ produced by DEFRA. This guidance can be viewed in full here: <https://www.gov.uk/government/publications/animal-activities-licensing-guidance-for-local-authorities>. If any other guidance is referenced in this policy, specific details will be provided.
- 1.5 This policy sets out the principles the Council will use when dealing with animal related licensing matters. This includes dealing with applications for new licences and issues relating to licensed premises.
- 1.6 This policy provides guidance to any person with an interest in animal licensing. In particular, but not exclusively:
- Applicants for licenses
 - Existing licence holders whose licences are being reviewed
 - Users of licensed premises
 - Licensing Officers
 - Members of the Licensing Committee, and
 - Magistrates’ hearing appeals against local authority decisions.
- 1.7 This policy sets out the criteria to be taken into account by the Council when determining whether or not an applicant or an existing licence holder is suitable to be granted, have renewed or continue to hold a licence. In addition to criminal convictions the Council will, where permitted under the relevant legislation, also

take into account other factors such as general character, compliance with licence requirements / guidance / conditions, non-criminal behavior, and other relevant records or information from reliable and relevant sources.

2.0 Policy objectives

2.1 The Policy is designed to ensure that:

- any person who carries on, attempts to carry on or knowingly allows a licensable activity to be carried on holds a licence in accordance with the relevant legislation
- the licence holder is not disqualified from holding a licence in accordance with the requirements of the relevant legislation
- the five overarching principles of animal welfare, (known as the “five needs”) introduced by the Animal Welfare Act 2006 are upheld in any decision
- the safeguarding of any children or vulnerable persons in contact with a licensable activity is ensured, in accordance with the relevant legislation
- each application is considered on its own merits
- decisions made by the Council are transparent and consistent

2.2 In addition, the Council will base its licensing regime on the following principles which arise from the responsibilities arising under the Animal Welfare Act 2006:

- Responsibility to protect the welfare of all fellow creatures
- Ensuring the welfare of domestic or captive animals by implementing appropriate standards that promote the “five needs”
- Ensuring that persons responsible for the management of animal welfare observe recognised standards of good practice
- Ensuring that, so far as it falls within its powers, the requirements of all animal-related legislation will be rigorously and pro-actively enforced

3.0 Animal Welfare Act

3.1 The Animal Welfare Act 2006 established that reasonable welfare standards must be maintained whilst unifying all animal legislation, including responsibilities falling to various enforcement agencies.

3.2 The Act introduced five overarching principles of animal welfare, known as the “five needs” which are:

1. The need for a suitable environment

- *by providing an appropriate environment, including shelter and a comfortable resting area*

2. The need for a suitable diet

- *by ready access, where appropriate, to fresh water and a diet to maintain full health*

3. The need to be able to exhibit normal behaviour patterns;

- *by providing sufficient space, proper facilities and the company of an animal of its own kind, where appropriate*

4. Any need to be housed with, or apart from, other animals;

- *by providing the company of an animal of its own kind, where appropriate*

5. The need to be protected from pain, suffering, injury and disease;

- *by prevention or rapid diagnosis and treatment, and ensuring conditions and treatment which avoid mental suffering*

4.0 Licensable Activities

The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018

4.1 The Regulations came into force on 1st October 2018 and have an impact on establishments licensed under the previous animal health legislation. This includes those previously licensed as pet shops, catteries, kennels, home boarders, dog crèches, riding establishments, dog breeders and performing animals.

4.2 A licence is required when any of the licensable activities outlined in Schedule 1 of the Regulations are undertaken. These are:

- selling animals as pets (Part 2)
- providing or arranging for the provision of boarding for cats or dogs (including the provision of boarding for cats; kennels for dogs; home boarding for dogs; or day care for dogs (Part 3)

- hiring out horses (Part 4)
- breeding dogs (Part 5)
- keeping or training animals for exhibition (Part 6)

4.3 The Regulations replace previous licensing and registration regimes under the following legislation:

- Pet Animals Act 1951
- Animal Boarding Establishments Act 1963
- Riding Establishments Acts 1964 & 1970
- Breeding of Dogs Act 1973 & Breeding and Sale of Dogs (Welfare) Act 1999
- Performing Animals (Regulation) Act 1925

Dangerous Wild Animals Act 1976

4.4 The Dangerous Wild Animals Act 1976 dictates that a licence is required from the Council to keep certain animals that are considered wild, dangerous or exotic. A full list of animals that need a licence can be seen here:

<http://www.legislation.gov.uk/uksi/2007/2465/schedule/made>.

4.5 The Council does not support the licensing of primates under the Dangerous Wild Animals Act 1976 as 'pets' to live in the domestic premises. The Council recognises that primates are dangerous and highly intelligent animals with complex needs that cannot be met in a home environment. Consideration will be given to applications for animal sanctuaries where it can be evidenced that there is no intention to breed or allow the primates into the home environment.

Zoo Licensing Act 1981

4.6 The Zoo Licensing Act 1981 dictates that a licence is required from the Council to display wild animals to the public for at least 7 days a year, in a place that is not a circus or a pet shop.

4.7 All relevant legislation set out in this section can be viewed in full at <http://www.legislation.gov.uk/>.

5.0 Suitability of applicants

Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018

- 5.1 In accordance with the Regulations, any individual who carries on a licensable activity will be designated as the 'operator' of the business and can apply for a licence, providing they are not disqualified from holding a licence in accordance with the Regulations.
- 5.2 In order to ensure compliance with our duties to ensure that an individual has not been disqualified from holding a licence, upon application the Council will require a new applicant (or applicants) to provide a basic disclosure (DBS) certificate, issued within 3 months of the date of application. For any renewal application, the requirement for a DBS will begin in relation to the renewals of licences that take effect from 2021. DBS checks must show that the applicant (or applicants) are not disqualified from holding a licence, and/or hold no relevant convictions which may affect whether they are a 'fit and proper' person to hold a licence. The DBS check will then be required on a rolling 3 year basis.
- 5.3 An applicant will be granted a licence if the Council is satisfied that the licence conditions will be met. In considering this, the Council will take into account whether the applicant is a 'fit and proper' person to be the operator of the activity. The term 'fit and proper' is not defined in the legislation or guidance. For the purpose of this Policy, the Council will consider a 'fit and proper person' to be an individual who can demonstrate upon application that they have:
- the right to work in the UK
 - no relevant convictions
 - not been disqualified from holding a licence
 - the knowledge, experience, compliance history and ability to comply with licence conditions and safeguard the welfare of animals in their care
 - made suitable management and training arrangements to safeguard and protect any staff and/or members of the public who may be affected by the licensed activity.

This does not limit the scope of the fit and proper assessment and the Council may take in to account other matters, should they be considered as relevant to the licensing process.

Relevance of convictions

- 5.4 The purpose of this section is to offer guidance on how the Council can determine whether an applicant or licence holder is suitable to either be granted a licence in the first place or retain a licence under the Regulations. In all cases, the Council will consider the conviction or behaviour in question and what weight should be attached to it. Each and every case will be determined on its own merits, but in light of these guidelines.
- 5.5 Most applicants or licensees will have no convictions and that is clearly the ideal situation. It is accepted, however, that people do make mistakes, and it is further accepted that many learn from those mistakes and do not continue to commit further offences. Accordingly, in many cases an isolated conviction, especially if committed some time ago, will not prevent the grant or renewal of a licence.
- 5.6 The Council will not normally grant a licence to a person with one (or more) conviction(s) for any offence that is related to animal cruelty or suffering. The primary purpose of the Regulations enforced by the Council is to ensure the welfare of animals and as such, these types of offences are highly relevant.
- 5.7 The Council will not normally grant a licence to a person with one (or more) conviction for any offence that is related to licensing as these offences demonstrate a disregard for licensing processes and procedures.
- 5.8 In addition to the above, the Council also has wider obligations to prevent crime and disorder and safeguard both children and vulnerable adults. These obligations arise from the Crime and Disorder Act 1998; the Children Act 2004; and the Care Act 2014. As a result, the Council will not normally grant a licence to a person with one (or more) conviction for any of the following offences:
- Offences involving violence
 - Possession of a weapon
 - Sex and indecency offences
 - Offences involving dishonesty
 - Offences involving drugs
- 5.9 Any offences or behaviour not expressly covered by this Policy may still be taken into account.
- 5.10 The Council must ensure that licence holders remain fit and proper during the life of a licence. For this reason, licence holders must notify the Council, in writing, within

72 hours, if any of the following occurs (in relation to the types of offences highlighted above):

- They have any type of licence suspended or revoked
- They receive any warnings or cautions;
- Are arrested (whether or not charged with an offence);
- Are charged with any criminal offence;
- Are convicted of any criminal offence;
- Allegations are made of their involvement in criminal activity; or
- Any pending charges, to include any notices of intended prosecution

Failing to provide such notification will raise serious questions for the Council as to the honesty of the licence holder.

The Dangerous Wild Animals Act 1976 and the Zoo Licensing Act 1981

- 5.11 In order to ensure compliance with our duties to ensure that an individual has not been disqualified from holding a licence, upon application the Council will require the applicant to provide a basic disclosure (DBS) certificate issued within 3 months of the date of application. This check will then be required on a rolling 3 year basis.

6.0 Safeguarding

- 6.1 The Regulations have the aims of maintaining and improving animal welfare standards. However, there are other safeguarding considerations arising from licensable activities, in particular surrounding the protection of children and vulnerable persons and the Council must consider these in light of the Children Act 2004 and the Care Act 2014.
- 6.2 The Council is aware that some licensable activities may involve unsupervised contact with children and/or vulnerable persons (e.g. the tuition of a young person provided at a Riding Establishment, or entertaining at a children's party with an exhibition of animals).
- 6.3 To this extent, the Council would expect applicants and licence holders whose activities involve contact with children or vulnerable persons to:
- Have a written safeguarding policy and provide training for staff; and

- Have a procedure for vetting staff who have unsupervised contact with young/vulnerable persons.

6.4 The Council are not setting any specific standards in relation to these requirements, but each case will be considered on its own merits. For information purposes, a number of charitable organisations offer advice on safeguarding issues, including policies and staff recruitment, such as the NSPCC, which applicants and licence holders may find helpful.

7.0 Application process

7.1 Licence applications must be submitted in writing on the relevant application form and in accordance with the relevant legislation. Additionally, applicants should include any supporting information that is required (as detailed in the form, this Policy and as may be required in any particular case), together with the appropriate fee.

7.2 Payment for vet inspections required either by legislation or by the Council in order to determine the application, will be an additional charge that is passed on to the applicant / licence holder.

7.3 What follows is a brief overview of the application process for the animal related licences that the Council administers. In all cases, the process prescribed in the relevant legislation will be followed.

The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018

7.4 The relevant Guidance produced by DEFRA for licences issued under these Regulations stipulate that once the Council receives an application for the grant or renewal of a licence it must do all of the following before granting or renewing a licence:

- The Council must consider whether the conduct displayed by the applicant indicates that they are a fit and proper person to carry out the licensable activity and meet the licence conditions.
- The Council must inspect the site of the licensable activity and assess if it is likely to meet the licence conditions. The inspection must be completed by a suitably qualified inspector (as well as a veterinarian for the initial inspection of a dog breeding establishment, or a listed veterinarian for inspections of horse riding establishments). The inspector must prepare a report, in accordance with the requirements of the Regulations, to be submitted to the Council following their inspection.

- The inspector's report will contain information about the operator, any relevant premises, any relevant records, the condition of any animals and any other relevant matter and state whether or not the inspector considers that the licence conditions will be met.
- Ensure that the appropriate fees have been paid.

7.5 Although not a statutory requirement, the Council will aim to provide licence holders with 3 months' notice of when their licence is due to expire. Licence holders must then submit an application at least 10 weeks before their licence expires to continue the activity without a break. It is the licence holder's responsibility to ensure that any renewal application is made in good time, and the Council cannot be held responsible for any delays or lapses of a licence caused by an incomplete or late application.

Dangerous Wild Animals Act 1976

7.6 Once the Council receives an application for the grant or renewal of a licence it will do the following before granting or renewing a licence:

- The Council will ensure that the applicant has not been disqualified from keeping dangerous wild animals.
- An Officer of the Council will inspect the relevant premises and assess if it is likely to meet the requirements of the legislation. In addition to this, a qualified vet will also be appointed to inspect the premises and produce a report.
- Reports will contain information about the suitability of the accommodation, suitability of the applicant in terms of their handling skill / experience and their views on qualification relating to species. The vet will also consider the animal's ability to express their natural behaviour and knowledge of the owner to promote the animal's welfare. The report will then be sent to the Council for consideration.
- Ensure that the appropriate fees have been paid.

7.7 Although not a statutory requirement, the Council will aim to provide licence holders with 3 months' notice of when their licence is due to expire. Licence holders must then submit an application at least 10 weeks before their licence expires. It is the licence holder's responsibility to ensure that any renewal application is made in good time, and the Council cannot be held responsible for any delays or lapses of a licence caused by an incomplete or late application.

Zoo Licensing Act 1981

- 7.8 Before submitting an application to the Council for a licence under the Zoo Licensing Act 1981, an applicant must, at least two months prior to the application, provide the Council with a notice of an intention to apply, which must contain various pieces of information (in compliance with the Act).
- 7.9 Additionally, a notice must also be published in a local newspaper (circulating the Mid Devon area) and a newspaper that is circulated nationally.
- 7.10 Once the Council receives an application it will do the following before granting or renewing a licence:
- The Council will ensure that the applicant has not been disqualified from keeping dangerous wild animals.
 - An Officer of the Council will inspect the relevant premises and assess if it is likely to meet the requirements of the legislation. In addition to this, a qualified vet will also be appointed to inspect the premises and produce a report. The vet will, in accordance with the legislation, be approved as part of the Secretary of States list of suitably qualified and experienced inspectors.
 - The Council will take into account any representations made by or on behalf of any persons entitled to make them (as per the legislation)
 - The Council will consult the applicant on the conditions that are proposed for the premises licence.
 - Ensure that the appropriate fees have been paid.
- 7.11 The Council will aim to provide licence holders with 9 months' notice of when their licence is due to expire. Licence holders must then submit an application at least 6 months before their licence expires. It is the licence holder's responsibility to ensure that any renewal application is made in good time, and the Council cannot be held responsible for any delays or lapses of a licence caused by an incomplete or late application.

8.0 Rating and licence duration

Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations) 2018

- 8.1 With the exception of '*keeping or training animals for exhibition*', licences can be issued under the Regulations for a period of either one, two or three years

depending on the risk rating and level of compliance. The length of the licence will correspond with the Star Rating for the establishment.

8.2 Licences for the keeping or training animals for exhibition are issued for three years.

8.3 A copy of the Scoring matrix is below:

Scoring Matrix		Welfare Standards		
		Minor Failings (existing business that are failing to meet minimum standards)	Minimum Standards (as laid down in the schedules and guidance)	Higher Standards (as laid down in the guidance)
Risk	Low Risk	1 Star 1yr licence Min 1 unannounced visit within 12 month period	3 Star 2yr licence Min 1 unannounced visit within 24 month period	5 Star 3yr licence Min 1 unannounced visit within 36 month period
	Higher Risk	1 Star 1yr licence Min 1 unannounced visit within 12 month period	2 Star 1yr licence Min 1 unannounced visit within 12 month period	4 Star 2yr licence Min 1 unannounced visit within 24 month period

Dangerous Wild Animals Act 1976

8.4 Premises licensed under the Dangerous Wild Animals Act are not risk rated and licences, if issued, are valid for 2 years.

Zoo Licensing Act 1981

8.5 Premises licensed under the Zoo Licensing Act are not risk rated and any new premises licence, if issued, will be valid for 4 years. On renewal, licences will be valid for 6 years.

9.0 Standards and conditions

Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018

9.1 The Regulations include mandatory conditions for each licensable activity and DEFRA have produced associated guidance. The conditions are divided into two categories, namely 'General Conditions' and 'Specific Conditions'.

9.2 Applicants and licence holders will need to meet all of the mandatory conditions, although for existing businesses, minor failings may be noted / recorded providing

they do not compromise the welfare of the animals. However, these failings should be predominantly administrative in nature, as highlighted in the relevant guidance.

- 9.3 For each activity (except keeping or training animals for exhibition) a number of “higher standards” have been included in the guidance. Meeting the higher standards is optional but is the only way to gain a higher star rating.
- 9.4 The higher standards are classified into two categories – required (mandatory) and optional. These will typically be colour coded as blue and red respectively or otherwise clearly marked and differentiated. To qualify as meeting the higher standards the business must achieve all of the required (mandatory) standards as well as a minimum of 50% of the optional higher standards.

Dangerous Wild Animals Act 1976

- 9.5 The Council will impose any conditions prescribed in the legislation. In addition, the Council may impose any conditions suggested by DEFRA or required by the Inspecting Officer / Vet.
- 9.6 Where the Council places conditions on a licence they will be based, wherever practicable, on existing codes of best practice and industry standards produced by organisations such as, but not limited to:
- I. DEFRA
 - II. British Veterinary Association
 - III. National Trade Associations

Zoos Licensing Act 1981

- 9.7 The Council will impose any conditions prescribed in the legislation. In addition, the Council may impose any conditions suggested by DEFRA or required by the Inspecting Officer / Vet.
- 9.8 Where the Council places conditions on a licence they will be based, wherever practicable, on existing codes of best practice and industry standards produced by organisations such as, but not limited to:
- I. DEFRA
 - II. British Veterinary Association
 - III. National Trade Associations

10.0 Granting an application

Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018

10.1 Where a licence is issued the Council will provide the following details (if applicable):

- the Licence with the Star Rating
- details of how the business has been rated, including a list of the higher standards the business currently fails to meet or a list of the minimum standards the business is failing to meet (resulting in a “minor failing” category)
- a copy of the risk management assessment table
- details of the appeals process and timescales

Dangerous Wild Animals Act 1976

10.2 These premises are not risk rated and as a result, only the licence is sent out, along with the relevant conditions.

Zoos Licensing Act 1981

10.3 These premises are not risk rated and as a result, only the licence is sent out, along with the relevant conditions.

11.0 Refusing an application

11.1 The following section provides a brief overview of the powers the Council have to refuse an application. It must be noted that the non-inclusion of information does not prevent the Council from refusing a licence on any other lawful grounds.

Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018

11.2 Depending on the licence being applied for, the Council will consider the report from the inspector(s) and any comments made by the applicant when deciding whether to issue a licence.

11.3 The Council may refuse to issue a licence if it considers that the applicant cannot meet the licence conditions. The Council may also refuse a licence if the granting of a licence could have a negative impact on animal welfare or if the level of accommodation, staffing or management is inadequate for the well-being of animals.

11.4 The Council may also refuse to issue or renew a licence if the applicant has a history of non-compliance with licensing conditions or requirements, is obstructive towards

officers, or if there are safeguarding concerns arising from the licensed activity. The above list is not exhaustive, but indicative of the circumstances where the Council may want to refuse an application.

- 11.5 The Council may also refuse an application if it considers that the applicant does not meet the 'fit and proper person' test.
- 11.6 A licence cannot be issued to an operator who has been disqualified, as per the relevant Regulations.
- 11.7 If a licence is refused under the Regulations, the applicant will have the right of appeal to a First-tier Tribunal within 28 days of the decision notice.

Dangerous Wild Animals Act 1976

- 11.8 The Council will consider the report from the inspector(s) and any comments made by the applicant when deciding whether to issue a licence.
- 11.9 The Council must not grant a licence unless it is satisfied that:
- it is not contrary to the public interest on the grounds of safety, nuisance or otherwise to grant the licence;
 - the applicant for the licence is a suitable person to hold a licence under the relevant Act;
 - any animal concerned will at all times of its being kept only under the authority of the licence -
 - (i) be held in accommodation which secures that the animal will not escape, which is suitable as regards construction, size, temperature, lighting, ventilation, drainage and cleanliness and which is suitable for the number of animals proposed to be held in the accommodation, and
 - (ii) be supplied with adequate and suitable food, drink and bedding material and be visited at suitable intervals;
 - appropriate steps will at all such times be taken for the protection of any animal concerned in case of fire or other emergency;
 - all reasonable precautions will be taken at all such times to prevent and control the spread of infectious diseases;

- while any animal concerned is at the premises where it will normally be held, its accommodation is such that it can take adequate exercise.

11.10 A licence may be refused where an applicant has been convicted of any relevant offence, as per the relevant legislation.

11.11 If a licence is refused under the Dangerous Wild Animals Act 1976, the applicant will have the right of appeal to the magistrates' court within 21 days of the decision notice.

Zoo Licensing Act 1981

11.12 The Council will consider the report from the inspector(s) and any comments made by any relevant party when deciding whether to issue a licence.

11.13 The Council may refuse a licence when:

- it is satisfied that the zoo, or its continuance, would injuriously affect the health or safety of persons living in the neighbourhood of the zoo, or seriously affect the preservation of law and order
- they are not satisfied that it would be able to meet conditions to take forward the relevant conservation measures
- they are not satisfied that the standards of accommodation, staffing or management are adequate for the proper care and well-being of the animals as a whole or for any of them, or otherwise for the proper conduct of the zoo.
- They are not satisfied that planning permission has been granted for a zoo (or the granting of the licence can be suspended until the local planning authority confirm that permission has been, or is deemed to be, granted).

11.14 A licence may also be refused if anyone associated with the zoo has a conviction under the Zoo Licensing Act 1981 or any of the Acts mentioned in the legislation.

11.15 If a licence is refused under the Zoo Licensing Act 1981, the applicant will have the right of appeal to the magistrates' court within 28 days of the decision notice.

12.0 Appeals to Star Rating

Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018

12.1 To ensure fairness to the business, the Council has an appeals procedure in place for the operator to dispute the star rating given.

- 12.2 The business will be provided with supporting information (the inspection reports) which will highlight the inspecting officer's decision on how the risk rating, compliance level and star rating has been determined. The business is encouraged to discuss the matter initially with the inspecting officer where possible.
- 12.3 A business may appeal if they consider their star rating to be wrong - in other words, if it does not reflect the standards found at the time of inspection. Any appeal to the rating given must be made in writing to the Council within 21 days, from when the star rating is issued. It is important to note that the appeal concerns specifically the standards present at the time of the inspection and will be chargeable, should the original decision be upheld.
- 12.4 DEFRA Guidance states that no officer involved with the initial star rating or inspection should consider an appeal. Accordingly, the Council will ensure that a separate officer determines the appeal in all cases. DEFRA Guidance also states that the appeal should be determined by the head of the Department or a designated deputy and this Council will consider the delegation of such functions to an officer that is considered suitably qualified. Depending on the specific details of the appeal, the relevant officer may or may not visit the premises themselves.
- 12.5 If the business disagrees with the outcome of the appeal they can challenge the decision by means of judicial review. The business also has recourse to the Council's complaints procedure (taking the matter to the Local Government Ombudsman where appropriate) if they consider that the service has not been properly delivered.
- 12.6 Separate to the appeal process highlighted above, a business may wish to apply for a 're-rating' following completion of works to rectify any non-compliance or improvements to achieve higher standards. This re-rating is carried out on a chargeable basis (for more information on fees see section 17 of this Policy).

13.0 Variations, Suspensions and Revocations of Licences

Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018

- 13.1 The Regulations allow the Council to vary a licence:
- On the application in writing of the licence holder, or
 - On the initiative of the Council, with the consent in writing of the licence holder.
- 13.2 In addition to the above, the Council may suspend, vary or revoke a licence without the consent of the licence holder if:

- The licence conditions are not being complied with
 - There has been a breach of the Regulations
 - Information supplied by the licence holder is false or misleading
 - It is necessary to protect the welfare of an animal
- 13.3 A suspension or variation of a licence will normally take effect 7 working days after the decision has been issued to the licence holder unless the reason is to protect the welfare of an animal, in which case the Council may stipulate that the decision has immediate effect.
- 13.4 A decision to vary or suspend the licence must be notified to the licence holder in writing and the reasons for the decision must be explained. It must also provide information regarding when the suspension or variation comes into effect and the rights of the licence holder to make written representations, as well as any specific changes deemed necessary in order to remedy the situation.
- 13.5 The decision to vary, suspend or revoke a licence will be dependent on the severity of the situation. If an operator fails to meet administrative conditions or provide information when requested then this could potentially lead to the suspension of a licence. If such a scenario happens repeatedly, the Council may consider revocation appropriate. Revocation of a licence will also occur in an instance where poor welfare conditions are discovered or it would otherwise benefit the welfare of the animals involved to be removed from the activity. Variations can occur if adjustments need to be made, whether that is to the licence itself or to the premises/animals referred to in the licence.
- 13.6 Following the issuing of the notice of suspension or variation, the licence holder will have 7 working days to make written representations. Upon receipt of this the Council will decide whether to continue with the suspension or variation of the licence or cancel the decision.
- 13.7 If the licence has been altered with immediate effect to protect the welfare of an animal then the Council must indicate that this is the reason.
- 13.8 The business will not be able to trade once the suspension of a licence has come into effect and cannot do so until the decision is overturned by the Council, upon, for example, being satisfied that the licence conditions are being met.
- 13.9 There is no right of appeal against the suspension of a licence. After 28 days of suspension the licence must be revoked or reinstated.

- 13.10 A licence holder may appeal to a First-tier Tribunal if they do not agree with the decision made by the Council to vary or revoke a licence. This appeal must be made within 28 days of the decision and details on the appeal process will be provided to the licence holder at the relevant time.

Dangerous Wild Animals Act 1976

- 13.11 The Council can, at any time, add conditions, vary conditions or revoke conditions that are on a Dangerous Wild Animal licence (although any conditions prescribed in the legislation cannot be varied or revoked).

Zoo Licensing Act 1981

- 13.12 The Council can, at any time, vary, cancel or attach new conditions to a licence if it is considered necessary or desirable to do so for ensuring the proper conduct of the zoo. Prior to doing so, the licence holder will have an opportunity to make representations. If the change is a significant amendment, then an inspection of the premises must be arranged and the report considered, prior to any alteration being made to the licence.

- 13.13 If a condition is not being complied with the Council can issue a direction requiring compliance, in accordance with the Zoo Licensing Act 1981. The direction will state the steps that the licence holder must take and the period in which they must take them. In addition, the direction can also require the zoo, or part of the zoo, to be closed to the public while the direction is in force. The direction will be revoked once the zoo has complied with its requirements.

- 13.14 In accordance with the Zoo Licensing Act 1981, the Council must permanently close a zoo in certain circumstances (e.g. non-compliance with a direction in relation to a conservation measure). The Council also has a discretionary power to close a zoo which may be used for a number of reasons (e.g. non-compliance with a direction that does not relate to a conservation measure).

14.0 Status of a licence upon the death of a licence holder

Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018

- 14.1 If a licence holder dies, the Regulations allow the personal representative of the deceased to take on the licence provided that they inform the Council within 28 days of the death that they are now the licence holder. The licence will then remain in place for three months from the death of the former holder or for the rest of the time it was due to remain in force if that time period is shorter. The new licence

holder should then apply for a new licence one month before the expiry of this new period.

- 14.2 Additionally, the Council can extend the three month period by up to another three months if requested by the personal representative and if they believe this time is needed to wind up the estate of the former licence holder.
- 14.3 If the personal representative does not notify the Council within 28 days of the death of the licence holder, the licence will cease to have effect after those 28 days.

Dangerous Wild Animals Act 1976

- 14.4 If a licence holder dies, the licence will continue for 28 days as if it had been granted to their personal representative. If an application is made for a new licence within this period, the licence will be considered as being still in force pending the grant or refusal of the new application.

Zoos Licensing Act 1981

- 14.5 If a licence holder dies, the licence will continue for 3 months as if it had been granted to their personal representative. The Council may extend this period if considers appropriate to do so.

15.0 Inspections during the course of a licence

- 15.1 There will be cases where inspections must be carried out during the term of a licence.
- 15.2 For the activity of hiring out horses, there is a requirement for an annual inspection by a listed veterinarian, regardless of the total length of the licence. The Council must appoint a listed veterinarian to inspect the premises on which the activity is being carried out before the end of the first year after the licence is granted and then each subsequent year.
- 15.3 Depending on the type of zoo, inspections may be required on an annual basis, but the frequency of inspections can be less if an exemption (or 'dispensation') is in place. Inspections will include visits by the Secretary of State's zoo inspectors, in addition to licensing officers
- 15.4 Unannounced inspections can also be carried out and may be used in the case of complaints or other information that suggests the licence conditions are not being complied with or that the welfare of the animals involved in a licensed activity is at risk.

15.5 During the course of an inspection of premises licensed under the Regulations, the inspector may choose to take samples for laboratory testing from the animals on the premises occupied by an operator. The operator must comply with any reasonable request of an inspector to facilitate the identification, examination and sampling of an animal, including ensuring that suitable restraints are provided if requested.

16.0 Qualifications of Inspectors

16.1 All Licensing Authority inspectors (whether employed by the Council or contracted / appointed) must be suitably qualified. This is defined as:

- Any person holding a Level 3 certificate granted by a body, recognised and regulated by the Office of Qualifications and Examinations Regulation which oversees the training and assessment of persons in inspecting and licensing certain animal activities businesses, confirming the passing of an independent examination. A person is only considered to be qualified to inspect a particular type of activity if their certificate applies to that activity; OR
- Any person holding a formal veterinary qualification, as recognised by the Royal College of Veterinary Surgeons (“RCVS”), together with a relevant RCVS continuing professional development record; OR
- Until October 2021, any person that can show evidence of at least one year of experience in licensing and inspecting animal activities businesses.

17.0 Fees

17.1 The fees can be viewed on the Council’s website (www.middevon.gov.uk).

17.2 The fees for each licence are made up of two parts, Part A and Part B. Part A covers the direct costs associated with processing the application and is payable on submission of the application. Part B covers the costs associated with the running of the licensing function. This includes dealing with complaints, enforcement and general administration. This fee is payable once a licence has been granted but must be paid before the licence becomes operational and valid.

17.3 It will be a condition of all licences that the licence itself will be inoperable should the Part B fee not be paid.

17.4 Any relevant fees paid by an applicant who has not been granted a licence will not be refunded.

18.0 Enforcement

18.1 The main enforcement and compliance role for the Council in terms of animal licensing will be to ensure the welfare of animals. This is done by ensuring compliance with the conditions placed upon the licence and taking action when standards are not met. The Council also investigate and take appropriate action against unlicensed premises.

18.2 In carrying out its enforcement duties, the Council has adopted an enforcement policy, which is available to view here:

<https://www.middevon.gov.uk/residents/health-and-wellbeing/public-health-and-regulatory-services/public-health-enforcement-policy/>

18.3 The Council will log and, if considered necessary, investigate complaints relating to Animal Establishments which are currently licensed or may require a licence. The Council will require complainants to provide their name and contact details so as to ensure that a complaint is not malicious in nature, and so that witness evidence may be obtained if required for further action.

18.4 We aim to achieve and maintain a consistent approach when we investigate complaints and make our decisions. In reaching any decision we will consider, potentially amongst other things, the following criteria:

- Seriousness of any offences or breach of conditions
- Operator's past history
- Consequence(s) of non-compliance
- Likely effectiveness of the various enforcement options
- Danger to the welfare of animals and/or public

18.35 What follows is a brief overview of some of the enforcement options that are available to the Council in relation to the different legislation. The fact that a potential enforcement action is not listed does not prevent the Council from using it.

18.64 In relation to the Animal Welfare Act 2006, Section 30 allows local authorities to prosecute for any offences under that Act.

18.75 The post-conviction power from section 34 of the Animal Welfare Act 2006 is in place, whereby a person convicted of an offence under the Act or any relevant regulations may be disqualified from owning, keeping, participating in the keeping of animals and/or from being party to an arrangement under which they can control or

influence the way an animal is kept. They may also be disqualified from transporting or dealing in animals. Breaching these disqualifications is an offence.

18.86 The post-conviction power from section 42 of the Animal Welfare Act is also in place whereby a court can cancel an existing licence and disqualify a person from holding a licence for any period it sees fit when that person is convicted of an offence under the Act or any relevant regulations.

The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018

18.97 The Regulations introduce a range of enforcement powers to allow the Council to issue a suspension, variation or revocation notice where licence conditions are not being complied with; where there is a breach of the regulations; or issues relating to the protection of the welfare of an animal.

18.108 Anyone who carries on any of the licensable activities without a licence is committing a criminal offence and is liable to imprisonment for a term of up to six months, a fine or both.

18.119 It is a criminal offence to breach any licence condition. It is also a criminal offence not to comply with an inspector's request with regards to taking a sample from an animal.

18.120 It is a criminal offence to obstruct an inspector who has been appointed by a local authority to enforce the Regulations. Committing any of these offences could result in an unlimited fine.

18.134 The Regulations also make provision for the inspectors to take samples for laboratory testing from any animals on premises occupied by an operator, for the purposes of ensuring the licence conditions are being complied with. A licence holder must comply with any reasonable request of an inspector to facilitate the identification and examination of an animal and the taking of samples and, in particular, must arrange the suitable restraint of an animal if so requested by an inspector.

18.142 Samples should be as non-invasive as possible; however inspectors may deem more invasive samples necessary if there are concerns over the welfare of the animals. The provision for sampling is primarily aimed at veterinarians carrying out inspections and it is not expected that samples be taken by those without the training to properly and safely do so.

18.153 Additional information about the suspension and revocation of a licence can be found in section 13 of this policy.

Dangerous Wild Animals Act 1976

18.164 Anyone that keeps a dangerous wild animal without the required licence is committing a criminal offence and is liable for a fine.

18.175 It is a criminal offence to breach any licence condition. It is also criminal offence to obstruct an inspector who has been appointed by the Council to enforce the Act. Committing any of these offences could result in a fine.

Zoos Licensing Act 1981

18.186 Anyone who operates a zoo without the required licence is committing a criminal offence and is liable for a fine.

18.197 It is a criminal offence to breach any licence condition. It is also criminal offence to obstruct an inspector who has been appointed by the Council to enforce the Act. Committing any of these offences could result in a fine.

18.2018 Additional information about the suspension and revocation of a licence can be found in section 13 of this policy.

19.0 Additional information

19.1 The Council has additional information available online, including application forms, guidance documents and details on conditions. These can be seen here:
<https://www.middevon.gov.uk/business/licensing/animals/>.

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Name of respondent	Comment	Officer response / comment
RSPCA	<p><i>Overall, the policy is very thorough and shows the council complying fully with your legal obligations under the various Acts and Regulations. There are two things I would suggest you add: a specific section on complaints (how people can make them, how you'll investigate them etc) and a flow chart showing the application process step by step. I think the latter would be useful as your policy is quite long and a simple summary will be useful for applicants and those enforcing it.</i></p> <p><i>Otherwise I think this is a solid policy that is a good basis for animal welfare enforcement in Mid Devon in the future.</i></p>	<p>Information about complaints: A section has been added to the Policy about this (see Paragraphs 18.3 and 18.4). Additional information will be added to the Councils website about how complaints can be made.</p> <p>Flow charts showing the application process: These could be helpful and will be developed by the Licensing Team in the future and published online. However, it is not felt necessary to include this in the Policy at this time. Keeping the guides separate ensure that they can be updated at short notice and without a need to amend the policy.</p>
Jane Whitehead (existing licence holder)	<p><i>I would like to comment on the payment of fees for a licence of more than one year.</i></p> <p><i>The fees have gone up considerably this year and the charge for a two or three year licence is a considerable sum to find, especially for operators doing animal related activities on a small scale and for operators who may not intend to continue their business for more than one year but would like to keep their star rating.</i></p> <p><i>I would prefer to make payment of Part B of the fee on an annual basis.</i></p>	<p>Fees: The fees have been calculated on a cost recovery basis and in line with relevant guidance.</p> <p>It is not considered appropriate to allow the payment of Part B of the fee on an annual basis because the licence has already been granted at that point. The Licensing Team could have problems chasing payments and incur additional costs. This process is in line with how other authorities charge licensing related fees.</p> <p>Reasons for regulations: As the legislation, conditions and Guidance are not set by Mid Devon District Council, it is not considered appropriate to list reasons for each and every condition. Ultimately, they must be complied</p>

	<p><i>It is probably more related to the DEFRA regulations and I don't know whether you have any influence on these.</i></p> <p><i>I think it would be useful if DEFRA gave a reason for each requirement so that each can be implemented in a sensible way. For example no reason is given for the size of the mesh required for fencing - why are the current measurements what they are, could there be different mesh sizes for different sizes of dog?</i></p>	<p>with. In general, most conditions will be based on a welfare requirement and Licensing Officers can discuss details with specific premises where it is relevant.</p>
<p>Vivienne and Gregory Martin (existing licence holders)</p>	<p><i>1. It would be very helpful if an up-to-date list of licensed breeders in our area, and their breeds, could be accessed via the Mid Devon website. This would make it easier for responsible would-be owners to source a properly bred puppy quickly, and would instantly let people know if a breeder they are considering buying from has a licence or not.</i></p> <p><i>2. (Enforcement) There are still many puppies in our area repeatedly being advertised on sites such as Pets4Homes. The puppies still appear to be being successfully sold for quite large sums. Is there provision in the Policy for trawling these sites and taking action against people who advertise without a licence and clearly earn more than £1000 p.a. from their puppies? Many already reputable breeders have applied for and attained their licences, but how does the policy approach those who really should be targeted, ie rogue breeders on puppy farms which may well require a police presence to</i></p>	<p>Licensing register: It is agreed that this would be helpful. However, there does not appear to be any provision in the legislation to publish such a register and as a result, the Council must ensure it complies with its wider data protection requirements. The Licensing Team will follow this up with the data protection officer to consider the legal implications. Until then, it should be noted that if anyone rings the Licensing Team we can (and do) confirm if particular premises hold a licence. Additionally, each premises must display a copy of their licence on the premises and on their website, if they have one.</p> <p>Enforcement: The Policy does briefly cover unlicensed businesses and the Licensing Team does, where necessary, use such websites to gather evidence. Where this is for evidential purposes the information is formally requested under the Data Protection Act. For example, information from such sites was used in the</p>

achieve inspection? The people who are evading the licence seem to be the ones who really need inspecting.

3. I know the administrative costs of the licensing must be high, but £682 plus vet fee is a lot of money for a home breeder to find. Actually, when all the costs of keeping dogs and breeding puppies are taken into account, hardly any real profit is made if everything is done properly. I think a lower cost would make the licence less daunting for many breeders.

4. On a personal level, I found the idea of applying for a licence very challenging and rather intimidating, even though I have had three highly successful inspections already from the Kennel Club Assured Breeder Scheme. I suppose the forced transition from hobby breeder to business status was not something we had ever considered, and certainly not wanted. The paperwork and procedures involved were very demanding. However, I am glad we did it. I feel pleased that I am helping clarify the difference between puppy farms and reputable breeders in the public eye, and I have been amazed by how many people had no idea that the law had changed till we told them about it, so it is good to be part of that education process. Also, despite the whole application system being quite a challenge, I have been so impressed by the helpfulness and professionalism of my inspector, Vicky Limb. She made it clear from the start that I had to get it right, but that she was there to help me

successful prosecution of an unlicensed dog breeder (2017) and the issuing of a simple caution for another (2018). It is not considered necessary to include reference to these specific websites in the policy. Additionally, the Public Health enforcement policy covers investigations in more detail and this can be viewed here:

www.middevon.gov.uk/residents/health-and-wellbeing/public-health-and-regulatory-services/public-health-enforcement-policy/

Fees: The fees reflect the costs to the Council and is in line with relevant guidance. For this reason, it is not considered appropriate to change them at this point but they will be reviewed in the future to ensure they continue to reflect the specific costs of this licensing function.

It should be noted that the fee mentioned (£682) is for a 3 year licence. The previous cost of a licence was £292 (new) and £210 (renewal) with these licences only lasting 1 year. As a result, the cost has not actually changed significantly, and may actually be slightly cheaper than it was. Previously, a business applying for a new licence and then 2 subsequent renewals (3 years overall) would pay £712, compared to the current cost of £682 (not including Vet fees for either).

through as much as possible, and that she was there to guide me rather than to be obstructive. I found this enormously reassuring.

5. On a wider scale, I know that in nearly all breeds, numbers of puppies registered with the Kennel Club have dropped significantly since the introduction of the new law, and a lot of people who have contacted me in search of a puppy have remarked how difficult it has been to find a reputedly bred one, and how few seem to be available now. I know that some genuine people have been unable to apply for a licence as they have covenants on their houses which forbid any type of business being run from those properties; however I am just a bit worried that the law will have the effect of forcing buyers into the arms of unlicensed puppy farmers and other disreputable under-the-carpet breeders because they can't find a puppy anywhere else, and that it will find itself focussing on the breeders who actually don't really need inspections, rather than the really awful cruel ones who most certainly do. So I feel that overall the licensing system is working well for those people who have come forward of their own free will, but that a lot more needs to be done to enforce the law when ferreting out those breeders who still advertise puppies for significant sums of money, but have no licence and probably no intention of applying for one either.

Ultimately, the Licensing Team does appreciate that cost is a consideration for businesses but must seek to recover its costs because the general tax payer should not be expected to fund the licensing of these businesses.

Application process: Noted and glad that the Licensing Officer was of assistance.

Enforcement: Noted and it is important that the Licensing Team continue to preserve the integrity of those with a licence by taking action against those either not complying with the relevant conditions, or operating illegally.

<p>Rob and June Furmedge (existing licence holders)</p>	<p><i>In general this document helps to provide clarity to the overall Licensing Policy.</i></p> <p><i>Some detailed feedback for consideration</i></p> <p><i>5.2 DBS - suggest provide a link https://www.gov.uk/request-copy-criminal-record</i></p> <p><i>8.3 Scoring matrix. Whilst this document is only providing a copy of the scoring matrix we wish to reiterate feedback that on the face of it, the way the matrix has defined a Higher Risk category "sounds" that it doesn't have much of a "penalty"/enforcement requirement than the Lower Risk.</i></p> <p><i>Maybe a Higher Risk should have more frequent (may twice a year minimum) unannounced visits ?</i></p> <p><i>14.x Should this also be the same (or similar) for change of business ownership not just death ?</i></p> <p><i>18.3 Sentence ends but appears to be hanging</i></p> <p><i>Should 18.4 to 18.18 be subsections of 18.3 ?</i></p> <p><i>The document after section 4 became difficult to follow due to the headings/section numbering.</i></p> <p><i>4.x The section headings would read better if the heading was part of the numbering, i.e</i></p>	<p>DBS information: When the Licensing Team provide a flow chart (or similar) on how to apply for a licence, the relevant DBS link will be included. It is not felt appropriate to include in the Policy because the link itself may change from time to time.</p> <p>Scoring matrix: The scoring matrix mentioned is produced by DEFRA and used nationally by all licensing authorities. Ultimately, higher risk premises are still licensable so it should not be necessary to take specific enforcement action against them. In general terms, a higher risk rating results in a lower star rating which directly effects the length of the licence issued. Additionally, a lower star rating may potentially have a detrimental commercial impact (although it must still be noted that these premises are still licensed).</p> <p>More frequent inspections are not considered necessary in general terms. If a specific premises warrants more frequent inspections then the Licensing Team will do so, however, if this is a result of non-compliance, then it is likely that enforcement action would be taken.</p> <p>Change of ownership information: This heading should not include reference to a change of ownership. The relevant legislation makes provision for what happens in the event of the death of a licence holder,</p>
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	<p><i>4.1 In relation to The Animal Welfare....</i></p> <p><i>4.1.1 was 4.2</i></p> <p><i>4.1.2 was 4.3</i></p> <p>(The response then goes on to list various numbering amendments)</p>	<p>but it does not do so for a change of ownership and as a result, the relevant licences cannot be 'transferred'.</p> <p>Formatting (18.3): There does not appear to be a formatting error on the consultation document so no change proposed.</p> <p>Formatting (18.5 to 18.18): No change proposed as they were not proposed subsections.</p> <p>Formatting (4x): No change proposed. Main headings have been numbered and sub headings (and the listing of legislation) have not been but this was deliberate. This may be personal preference so if Members find the policy difficult to follow, they can confirm the changes they would like to see.</p> <p>Formatting (general): It should be noted that a couple of numbering issues were found in the draft policy and these have been corrected in the amended version.</p>
<p>Jeff Barber (existing licence holder)</p>	<p><i>Instead of issuing the complete set of requirements every year just issue any changes.</i></p>	<p>Sending out DEFRA guidance documents: This is understood but it is felt that as this legislation is relatively new, it is best to issue the complete set of requirements for now. This has been important because DEFRA has changed the guidance twice already and it would be difficult to notify all licence holders ad-hoc. The Licensing Team will, however, review this later in the year.</p>

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Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018

Application process for NEW premises

This document provide a brief overview the application process for new licences under the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018

1. The applicant should read the Local Authorities Animal Welfare Policy. This is available here: (link to be inserted)
2. The applicant should read and ensure compliance with relevant DEFRA guidance. This is available here: <https://www.gov.uk/government/publications/animal-activities-licensing-guidance-for-local-authorities>
3. The applicant should submit a completed application form, including all relevant supporting documents. This includes: Plan of premises, insurance policy, operating procedures, risk assessments (including fire), infection control procedure, qualification certificates and training records. The applicant must also pay part A of the application fee.
4. A Licensing Officer will review the paperwork and request any additional information that is required.
5. A Licensing Officer will conduct a site inspection to see if the licence conditions will / can be met. The Officer will complete a report which documents all of the findings of the inspection.
6. A veterinarian will inspect any NEW dog breeder or horse riding establishment. The Officer will complete a report which documents all of the findings of the inspection. The applicant is recharged for this vet inspection.
7. A decision is then made on whether or not a licence should be granted.
8. If a licence is refused, the applicant will be notified in writing and will have the right of appeal to the First-tier Tribunal.
9. If a licence is granted, the applicant will receive a licence which must be displayed at the premises. This licence will contain the premises star rating. The applicant must pay Part B of the licence fee.

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DRAFT POLITICAL ALLOCATION – June 2020

	Totals	Conservatives (Con) 17	Liberal Democrats (LD) 11	Independents (IND) 9	Greens (G) 2
% Based on current membership of 39	100	43.59%	28.21%	23.08%	5.13%
Committee Seats	99	43	28	23	5
Other Bodies	34	15	9	8	2

COMMITTEE	No on Committee	Con 43	LD 28	IND 23	Greens 5
Scrutiny	12	5.23 5	3.38 3	2.77 3	0.62 1
Audit	7	3.05 3	1.97 2	1.62 2	0.36 0
Environment PDG	9	3.92 4	2.54 3	2.08 2	0.46 0
Homes PDG	9	3.92 4	2.54 3	2.08 2	0.46 0
Economy PDG	9	3.92 4	2.54 3	2.08 2	0.46 0
Community PDG	9	3.92 4	2.54 3	2.08 2	0.46 0
Planning	11	4.79 5	3.10 3	2.54 3	0.56 0
Licensing	12	5.23 5	3.38 3	2.77 3	0.62 1
Regulatory	12	5.23 5	3.38 3	2.77 3	0.62 1
Standards Committee	9	3.92 4	2.54 3	2.08 2	0.46 0
TOTAL	99	43	29 (need to lose one)	24 (need to lose one)	3 (need to gain 2)
Other Bodies	No on Group	Con	LD	IND	Greens
		15	9	8	2
PWG	8	3.49 4	2.26 2	1.85 2	0.41 0
Planning Policy Advisory Group	9	3.92 4	2.54 2	2.08 2	0.46 1
GESP Member Reference Forum	10	4.36 4	2.82 3	2.31 2	0.51 1
Development Delivery Advisory Group	7	3.05 3	1.97 2	1.62 2	0.36 0
TOTAL	34	15	9	8	2

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Chairman's Annual Report – 2019/20 Audit Committee

Like the seasons and birthdays we seem to have all too quickly returned to the time of the chairs annual report, the highlight of the committee year.

The Audit Committee like many others saw a shift in the individual members who attend and work on your and the authorities behalf at the 2019 June meeting, the start of our committee year.

25th June 2019

Our first meeting saw more new faces than several of the previous year's put together with the election of chair and vice chair being the initial priority.

I cannot stress enough the honour it is to have been re-elected as Chair of your Audit Committee and I thank members of the Committee for allowing me the privilege.

We saw Cllr A Wyer elected as a very capable Vice Chair, Andy, as with other new members, arrived with a new set of questions and challenges, an invaluable boost for the Committee.

Business started with opportunities for essential training days being announced along with an explanation of Mid Devon working with the Devon Audit Partnership (DAP) for our internal audit work and Grant Thornton (GT) as our external auditors.

DAP meets at Devon County Council and is chaired on a rotating basis, this year 2019 / 20 it is Mid Devon's turn and I as the MDDC Audit Chair was elected to chair the committee for the coming year.

MDDC have two seats/ votes as do the other partners, Devon County Council, Torbay Council, Plymouth City Council, and Torridge the partnership continues to expand with South Hams considering membership.

All minutes and agendas can be found on the DCC web site.

The work of your committee seeks to look at "RISK" in all its forms and isn't simply looking at financial out-turns. We receive all PDG committee reports and have the ability to ask other committees to look at specific areas or indeed if we feel strong enough ask senior officers to attend to give some clarity on specific areas.

Many subjects do seem to come round or have a regular slot given members interest or curiosity. June saw discussions on, Gigaclear, trim trails, missing revenue notes and Climate Change challenges.

The internal annual report was received with a detailed and substantive assurance report on 3 Rivers Development, Section 106 management, IT issues and details of outstanding internal audit recommendations.

July 2019 Special meeting

This is the largest of the Audit committee meetings. Your committee need to examine and seek to agree the:

Annual Governance statement (AGS)
Accounts
Grant Thornton (GT) External Auditors report

All the above had open discussion with the AGS being approved, the accounts being approved after detailed discussion on reserves and CARBON neutrality amongst the topics.

Once again MDDC received an unqualified opinion from GT and a satisfactory Value for Money opinion.

August 27th

Some topics do appear throughout the year and Climate Change is a topic that has now joined the ranks of 3RDL, town centre shop vacancies, absenteeism and past Audit action updates.

Committee agreed that Climate change and associated risk would be a lead topic for the committee going forward and I have asked that Cllr Elizabeth Wainwright be invited to attend Audit in March 2020 to give committee her views as the relevant portfolio holder.

Committee took an interest in the authority's leisure facilities and discussion took place in part two given the nature of the financial detail discussed.

Our internal Audit Manager, Mr David Curnow, suggested that each service area should have a champion to aid customer engagement, progress report awaited.

8th October

A brief report from myself as to the value of a training day attended by Cllr Wyer and myself at Buckfast Abbey ran by (GT). This is an annual event and very worthwhile attending as it gives an overview from GT as to what other authorities are doing and the general issues effecting local Authorities UK wide.

Further discussion took place on 3RDL in relation to risk to the authority and its governance arrangements.

All internal audit reports were discussed as well as all PDG committee reports.

It was agreed that a presentation should be looked at on fraud prevention for the committee, given by a member of the DAP fraud team (this took place in January 2020).

10th December

Unusual for Audit we had a member of the public attend to ask questions on 3RDL, these to be answered in a written response.

Further discussion on 3RDL as to the concerns around impairment and the fact the Cabinet did not seem to have a full understanding of 3RDL and needed a mechanism to receive more information.

Reports on Performance and Risk, AGS and External Audit all noted.

28th January 2020

Sad start to the New year.

As Chair I gave a few words on the sad passing of Cllr John Daw, although not an Audit Committee member, a sad loss to our authority. I was also required to confirm the loss of Jo Nacey who is to leave the authority in March.

Performance and risk....

Discussion took place around sickness stats, climate change and how we monitor progress against reduction of carbon.

Discussion on 3RDL as members still concerned about impairment and risk to the authority against loans and profitability. Also 3RDL required audit arrangements.

That concludes the committee year, some familiar topics and others such as climate change becoming ever increasingly discussed.

We enter 2020 with enormous challenges ahead and a need for clear and focused minds, all committees will play a vital part in assisting officers by giving clear focus and steer on not just the what but the how and why, more than ever I believe a focus by the Audit Committee on risk needs to be sustained.

Cllr Bob Evans
Chairman of the Audit Committee

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Scrutiny Committee Chairman's Annual Report

Just two of the previous Scrutiny Committee are Members of the current Committee. The 10 June meeting started with Andrew Moore being elected Vice-Chairman and the meeting time staying at 2:15 pm. The Committee also received an update on Broadband provision in the District from Matt Barrow from Devon County Council, and heard questions from members of the public around how rural areas can receive improved broadband. Members decided that they would like continuing insight into the superfast broadband rollout and the contract with Gigaclear and requested an update in September.

The meeting of 8 July received an overview on the roll out of Universal Credit, including the number of people expected to be in receipt across the District. Members discussed the effect of Universal Credit and requested an evening Members briefing on the issue. The Committee also discussed the Council's adoption of the Devon Climate Change Declaration.

The 5 August meeting saw Cllr Bob Deed giving the Committee the Leader's Annual Report for 2018/19. There was also an interesting report on the work of the Community Safety Partnership (CSP), it was enlightening to see the cooperation of the various agencies that work alongside the CSP. The Committee was pleased to note no whistle-blowing reports. Members also considered the Establishment 6 month update and they were concerned at the absenteeism figures and reasons given for leaving the organisation. This included 2% for bullying and for dissatisfaction with their line manager.

Two decisions made by Cabinet were called in for consideration by the Committee at the 2 September meeting. The Committee discussed the decision to abolish night time car parking charges and resolved that the Cabinet reconsider the decision, and resolved to accept its decision on the sale of the Park Road Nursery depot. We also had Inspector Steve Bradford answering some questions about policing in Mid Devon, including a discussion on the effectiveness of CCTV and the presence of police in rural areas.

The 30 September meeting gave the Committee its first opportunity to meet its new Scrutiny Officer, Clare Robathan. She gave a brief introduction about her previous experience and it was agreed that she would make a fuller presentation at the next meeting and help the Committee to draw up a meaningful scheme of work. At this meeting the Committee had its first report from a Cabinet Member, namely Cllr Simon Clist, Cabinet Member for Housing and Property Services. We also received and noted the annual Regulation of Investigatory Powers Act (RIPA) report and were told that the powers had not been needed. Members urged Officers for a list of the areas where surveillance could be used. Officers agreed to circulate such a list to Members. The Committee also received the Annual Report on Complaints, Comments and Compliments, and Members noted that in many areas the numbers of comments outweighed the number of formal complaints received.

Because Matt Barrow of DCC was unable to attend, the October meeting could have been a bit of a damp squib, rather routine, but the Committee took the opportunity to discuss the future with our Scrutiny Officer. We agreed to have a further meeting to plan the Work Programme. During a discussion on Performance and Risk the Committee also discussed the Cabinet's recent decision to defer the Tiverton Town Centre regeneration tender.

Our meeting of 2 December was a much livelier affair with members of the public coming to ask questions and express concerns about the roll out of 5G. This was because Matt

Barrow did attend and gave us an update of the provision of Broadband in Mid Devon. Progress is being made slowly but the main challenge remains the outlying areas and the inconsistency even in areas better provided. We also looked at the work programme and considered ways of choosing and prioritising areas of investigation. We agreed to look at helping staff with the delicate issue of the menopause and menstruation, as well as a potential review looking at procurement.

The first meeting of the decade saw all Members present, but sadly no members of the public, as one of the most important agenda items was the Members' call in of the Cabinet's decision to defer a final decision on the Tiverton Town Centre Regeneration Project. After a lively and civilised discussion it came down to the Chairman to cast the deciding vote and I supported the request by the three Members who had called in the decision to ask Cabinet to reconsider their decision to defer the Regeneration Project.

The Committee also looked at and noted a Carbon Baseline Report which was a result of the Council's Climate Change Declaration made in June 2019. We also considered the Performance and Risk report but nothing was raised.

Finally our Scrutiny Officer, Clare Robathan, reported on a scrutiny conference she had attended which will lead to a focused approach by our Committee.

The second meeting in January on the 27th was chaired by Cllr Andrew Moore with Cllr Ashley Wilce as his assistant. The meeting can be summed up as "quiet" and once again there were no members of the public, several reports were noted and there were no recommendations.

The first item of note was an update by Cllr Dennis Knowles, the Cabinet Member for Community Well Being. He told Members about MDDC's new "Noise App" which can record noise nuisances so that they can be sent directly to the Council, this can be found on the Council website. Members offered their congratulation to the Food Safety Team for the recent successful prosecution of an errant Cullompton business.

The proposed budget was discussed with close questioning from Members. It seems the budget gap at that moment stood at £243k. Members were concerned there was nothing set aside in the budget for climate change specific projects.

Clare Robathan, our Scrutiny Officer, gave a brief summary of 5G progress and told the Members that serious work was being done by DCC Scrutiny Committee on 5G. She also pointed out that following initiatives from the Scrutiny Committee there would be an all Members Procurement briefing on March 19 and she urged all members to attend to discuss the strategic investment opportunities.

I enjoyed chairing the meeting of 24 February because it demonstrated the role of the Committee being exercised at its best. The Chairman and Scrutiny Officer jointly reported on a 5G event run by Devon County Council to which they had been invited as observers. One issue that we flagged up was that of Planning because of the need for many more masts in the District. The Head of Planning, Economy and Regeneration gave an undertaking to look carefully at the planning implications for 5G masts.

The first report given to the Committee to note was presented by Cllr Graeme Barnell, Cabinet Member for Planning and Economic Regeneration. Asked about the Hydro Mills Project he confirmed that a business case was to be brought to the Economy PDG and

then Cabinet.

Members raised the issue of consultants and inter District Council cooperation. The Head of Planning, Economy and Regeneration explained that we used Officers from other Districts if they had the expertise and capacity and we reciprocated whenever asked. Sometimes outside consultants were necessary however.

Members expressed grave concerns about the Greater Exeter Strategic Plan (GESP) and its benefits to Mid Devon. They were reminded that Planning Policy Advisory Group (PPAG) had already held one meeting on the policies of GESP and there was a second meeting of PPAG on this issue on 28 February.

The second report before the Committee was presented by the Group Manager for Human Resources. Members took some positives from the new sickness policy but were still concerned about the average days sickness of 8.2 which is higher than the private sector. They asked that research be done to ascertain sickness levels in other Local Authorities.

When considering items for future meetings the Chairman of the Customer Experience Working Group informed Members that the group's report will come to the April meeting. I also suggested the Scrutiny Committee should look at High Street Security after guidance had been reviewed by the Community PDG.

Finally, I would like to thank all Committee Members and substitutes, in particular Andrew Moore for acting as a superb Vice Chairman and Chris Daw on leading our first Working Group. On behalf of Committee Members I would like to thank all Officers who have helped us throughout the year with heartfelt thanks to our excellent Committee Clerk, Carole and our Scrutiny Officer, Clare. I am sure we all look forward to a busy and useful year!

Cllr Frank Letch

Scrutiny outcomes for 2019/20

Customer Experience Working Group

A Working Group was established by the Scrutiny Committee to review the customer experience. At the first meeting in October 2019, Cllr Chris Daw was appointed Chair. The Group's focus is to look at how the Council's systems work, to ensure they are effective and delivering a positive and efficient service for customers.

In order to fully understand the customer experience, the Group has undertaken a number of site visits across the Council, including to: Customer Services; Housing; Planning; Building Services; Property Services; and the Waste Department. The site visits enabled Members to follow the customer experience from beginning (initial contact) to end (resolution or closure of case). The Group has had detailed discussions about how issues are handled in the Council, and will also visit North Devon District Council to see their system in place. The group has not yet formally reported back to the Committee with recommendations, but hope to do so early in the April meeting.

Other outcomes include:

- Following a request from the Committee, Lee Tozer, DWP Partnership Manager, gave a Members briefing on **Universal Credit** in August.

- The Committee at its meeting on 2 September 2019 resolved that the Cabinet be requested to reconsider the decision to abolish **night time car parking charges**. As a result, the Cabinet has reconsidered their decision.
- At the January meeting the Committee requested that the Cabinet reconsider its decision to postpone the specific scheme that came forward in advance of the forthcoming **Tiverton Town Centre Masterplan**, and allow the second stage of the process to be properly completed before seeking to prioritise strategic investment opportunities. Discussion took place at Cabinet and subsequently resolved that having reconsidered the decision to postpone the specific scheme, the original decision be confirmed. The Cabinet wishes to expedite a substitute scheme to be implemented as quickly as possible with a view to improving the Tiverton Town Centre Regeneration Project.
- Following public representation on the **health concerns of 5G**, the Committee is closely following the progress of the Devon County Council (DCC) Scrutiny Committee review on 5G. Members of the Committee have heard members of the public's concern, attended other public meetings on the issue and attended the Spotlight Review meetings run by DCC. The Committee will keep a close eye on the outcome of the DCC Scrutiny Review, in order to consider if any further work is needed on the issue, as well as consider the planning implications for the District.
- The Committee will now continue to ensure an impactful work programme for the following year, and alongside our regular standing items we will consider looking further into: women's health issues; sustainable procurement; 5G planning implications; and the Council's disability policy.

Environment Policy Development Group Annual Report – 2019/20

Climate Change

On 26 June 2019 the Council adopted the Devon Climate Change Declaration, and directed the Environment PDG to Act as the owner of this policy activity. In order to formulate a strategy for the Council, the Group agreed to set up a Net Zero Working Group to define this.

In December 2019 the Group reviewed the Council's Carbon Footprint Baseline calculation. The Group were pleased with the joined up approach with other District Councils on the scope of establishing a baseline, and that the Council was the first of this group to obtain a draft figure.

Net Zero Working Group

Once it was agreed within the Council where responsibility for the Climate Change Declaration would sit, the Group agreed to establish a working group to define the Councils actions and adopted four Members onto the group.



The first meeting of the Group took place on 28 October 2019. It agreed that the Group would have two main themes: the first being to establish how the Authority could reduce its own emissions; and secondly how the Authority could facilitate net zero carbon initiatives across the District.

To date the Group has successfully launched a new web page on the MDDC website to update the public on actions taken by the Council. The Group plan to look at additional content to assist community groups and the public.

The Group now intend to look in detail at the Council's Carbon Baseline report and what further could be achieved, before putting together an Action Plan for the consideration of the Council.

Use of Netting on Hedgerows

Concern about the growing trend of developers using netting over hedgerows and trees at development sites was raised. This stops birds nesting and other wildlife using the hedges and trees.

The Group noted that the RSPB had issued guidelines for developers which could be utilised in planning policy amendments. The Group recommended to Council that the Motion to ban developers from using netting on hedgerows be supported.

Outcome: The Motion was carried in Council in July 2019.

Planting of Trees to Reduce Carbon

Given the effect planting of trees has in reducing carbon, a Motion was presented calling for use of land within the ownership of the Council that is not suitable for development, for the planting of native British trees.

Following a discussion around: planting of 'suitable trees'; fitting with the Council's Open Spaces Policy; and what 'land not suitable for development' meant, the Group recommended to Council that the Motion should be supported with some wording adjusted. During Council meeting on 08 January 2020 the Motion was carried.

Outcome: The Council are now looking to identify areas of land suitable for planting trees, and the Group will shortly receive a report showing maps outlining these areas.

Connecting the Culm Project

The Group heard that the Blackdown Hills area of natural beauty management team had secured £700k EU funding towards the Connecting the Culm project. The Project is in partnership with MDDC, DCC, the Environment Agency and the National Trust, looking at the resilience of the Culm to climate change.

Members discussed the role that agriculture and in particular soil compacting played on the flood risk of local developments.

It was confirmed that the project would be looking at hydroelectricity solutions but that the flow in the Culm was small.



Single Use Plastics (SUPs)

Following a previous Motion, the group requested an update on how the Council had reduced its use of SUPs, and how it had been working with suppliers to reduce their own plastic waste.

The review confirmed that the Council has removed all plastic from its meeting rooms, as well as moving towards plumbed water coolers in 2020. Leisure Centres have reviewed all use of SUPs with suppliers, and MDDC procurement tools will now be updated to include reference to SUPs. Events on Council land do not allow the use of SUPs and advice is provided through the Safety Advisory Group for all public events.

National Assistance Burial Procedure

Where there are no suitable arrangements for the burial of the deceased, the Council have a statutory duty to bury or cremate any person who has passed away or been found deceased within the District. Following the three yearly review of the National Assistance Burial Procedure, the group recommended to the Cabinet that the revised Policy be adopted.

Outcome: In June 2019, the Cabinet resolved that the recommendation of the Group be approved.

Fly tipping

The Government have introduced new financial penalties to help fight waste crimes. Following discussion, the Group recommended that fixed penalty notices be increased from £200 to £400 for fly tipping; and that powers to use CCTV, subject to investigation into the powers allowed under regulations, to assist with fly tipping fixed penalty notices be authorised.

Play Area Safety Inspection Policy

A report of the Play Area Risk Assessment and Safety Inspection examined whether the number of weekend inspections of play areas be reduced.

Following discussion, the Group recommended:

1. That the current risk assessments and proposed reduction in safety inspections were considered adequate to meet the Council's responsibilities and for individual pieces of play equipment to be identified on the Risk Assessment Forms.
2. That digital transformation of the current inspection methods would make the task more efficient and that the implementation of a process would be expedited.

Outcome: In August 2019 the Cabinet resolved that the recommendations of the Group be noted.



Waste and Recycling Annual Update

The Group received the annual Waste and Recycling update. Discussion took place around: the frequency of collections and impact on amount of recycled waste; the roles of supermarkets in single use plastic; and whether everything sent for recycling was actually recycled.



Car Charging Points in New Developments

With the UK target to end the sale of new petrol and diesel cars by 2040, the Group heard options for the introduction of home electric vehicle charging points in new build properties across the District. The Group felt that the timeframes presented were too long and that the Council should show leadership by speeding up the installation of vehicle charging points.

The Group agreed the Council should seek a requirement for electric vehicle charging points in all new build properties through the preparation of the Greater Exeter Strategic Plan (GESP) and included in the public consultation document.

Outcome: Work is now progressing on the preparation of a draft options paper for the Greater Exeter Strategic Plan, which may provide an opportunity to include policy for electric vehicles.

Chairman's Words – Cllr Barry Warren

This is my first term as an elected member of MDDC and to be asked to Chair this influential Group was an unexpected, but willingly accepted, honour.

I am fortunate to be working with a group of members with diverse interests and experience which include the former Chair and Vice-Chair of the Group. Their support and advice has been much appreciated. We have members from all the elected parties and I thank them all for their work and support. We have been able to work as a team without party politics coming between us. Councillor Ms Elizabeth Wainwright has been 'taken' from us to fill a Cabinet post to lead the Council Climate Change programme. I anticipate our Group continuing to work with her on this important project as it develops.

I thank all the officers who have contributed to the work of the Group with their reports and advice. I wish to particularly thank Mrs Carole Oliphant for acting as our Clerk and trying to keep me in order. I also thank Ms Clare Robathan for coordinating and making sense of our discussions on climate change and for assisting me in preparing this report.

Homes Policy Development Group

Chairman's Annual Report 2019 / 2020

Another year of great challenges, financial, social and logistical. The Homes PDG, along with other groups has been tasked with doing more but with less resources.

A positive and welcome achievement was the Turner Rise site coming to fruition; 22 properties, plus 4 at Birchen Lane which are available for rent and increases the Council's housing stock.

The two most contentious issues have been Homelessness and the Syrian Refugee housing situation. The latter has greatly occupied our time and energy. There is a strong desire to help those more unfortunate but we are constrained by financial and practical implications.

Homelessness is another cause for concern and action. Again it is our wish to help homeless people who for whatever reasons have nowhere to call home being thwarted by the dearth of affordable places to rent.

We have all seen at first hand the efforts of the combined housing services in turning around void properties for reoccupation. Also long term vacant private properties have been brought back to the market. All the officers and workforce engaged in the toils of providing housing needs must be commended for their energy, enthusiasm and dedication.

Further onerous tasks lie ahead, the question of climate change looming large.

For PDG Members who have helped steer this PDG, I thank you whole heartedly for your input and support.

We have lost the 'mighty oak' of Cllr John Daw and I thank Cllr Derek Coren for his help and for stepping into the breach.

Well done to all others who have contributed to our meetings and a vote of thanks to our Committee Clerk whose patience is greatly appreciated.

Cllr Ron Dolley
Chairman of the Homes Policy Development Group
March 2020

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Economy Policy Development Group – 2019/2020

Chairman's annual report

Overview

During the course of the last year the Policy Development Group has considered a wide range of issues including:

- various reports providing updates on the projects undertaken as part of the Economic Strategy first year action plan;
- updates on the Heart of the South West Industrial Strategy,
- various updates on Brexit,
- information regarding the 'Connecting the Culm' project;
- continued grant support for economic projects; and
- an informative presentation from the 'Taste of the West' organisation.

The group has also considered commercialisation opportunities and recommended to cabinet charging for economic development advice through the planning process which was subsequently approved. Funding was successfully sought from the Local Government Association to undertake some initial scoping of additional commercialisation opportunities. This work is currently underway.

In addition to the formal meetings members have also met informally to have discussions with officers to better understand existing projects and consider activities for future years.

Some of the key areas of activity throughout the last year are as follows:

Economic Development Enquiries

The PDG were encouraged to hear that more new businesses have started up in the last year and that demand for employment sites was still high. The Growth, Economy and Delivery team has continued to help signpost new and existing businesses to employment space opportunities.

Economic Strategy

Following adoption of the Economic Strategy progress was made in year one with respect to delivering projects aimed at helping to deliver the strategies objectives relating to the key themes of Employment & Skills, Place, Infrastructure, Hi Tech, Innovation & Green Energy, Agriculture and Food & Drink. There is however considerable work to be done in the coming years to achieve the desired strategy outcomes.

Re-opening of Cullompton Railway Station

During the last year the project to re-open railway stations at Cullompton and Wellington has made progress. A report will be considered by Cabinet this month regarding a proposed governance structure for taking the project through to completion of the Strategic Outline Business Case. The project is being led by the District Council in partnership with Somerset West and Taunton Council in conjunction with the two County Councils, the two Town Councils, the Local Enterprise Partnership, the local MPs and the rail industry. Both Neil Parish MP (Tiverton and Honiton) and Rebecca Pow MP (Taunton Deane) are fully supportive of the scheme and are currently backing a proposal to seek funding through the Restoring Your Railway fund.

Visit Mid Devon Website

The Visit Mid Devon Website was launched this year and provides an excellent vehicle to promote the district and offers a great resource for local businesses to promote themselves. The Website was developed in partnership with Tiverton Museum, the Tourist Information Service, Petroc and Reach Plc. The initiative was one of the last projects in the County to receive European funding. The Website can be found via the following link:

<https://www.visitmiddevon.co.uk/>

A very successful launch event was held on 26 February 2020, which was well attended by local businesses, who welcomed the new initiative warmly.

Exeter and the Heart of Devon Partnership

Officers from the District Council have continued to work with East Devon, Exeter and Teignbridge Councils. Further updates will be given by Officers throughout the coming months.

The Hydro Mills Project

This has been frequently discussed at most meetings. The Group is pleased that the scheme for Tiverton Weir is close to planning application stage. There is another report on this agenda which gives a full update of the scheme and the next steps.

Town Centre Wi-fi

The project to deliver town centre wi-fi for the three towns has moved forward and has benefitted from European funding. An initial scheme is to be delivered in Tiverton following the procurement of a provider. It is anticipated that the other towns would follow close behind.

Tiverton Town Centre Signage

A project is well underway for replacing and supplementing pedestrian signage in the town centre. This is due to be completed March/April 2020. Future phases of public realm works will provide new seating and other improved street furniture.

Cullompton Heritage Action Zone Bid

This bid to improve the heritage assets of Cullompton town centre satisfactorily passed through the first stage of assessment and Historic England is currently assessing the subsequent stage submission.

Finally, I would like to thank the officers and the councillors for their commitment and hard work. I must also thank our Committee Clerk for her continued help & support through the year.

Cllr John Downes
Chairman of the Economy Policy Development Group

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