

# Public Document Pack

## MID DEVON DISTRICT COUNCIL

**A MEETING** of the **MID DEVON DISTRICT COUNCIL** will be held remotely on Wednesday, 6 January 2021 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 on Wednesday, 24 February 2021 at 6.00 pm]**

**STEPHEN WALFORD**

Chief Executive

23 December 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.**

**To join this meeting, please click the following link:**

<https://zoom.us/j/95816834394?pwd=am11Q251N2VKUXFuZnorMGFIZW8zd09>

Meeting ID: 958 1683 4394

Passcode: 738422

One tap mobile

08000315717,,95816834394#,,,,,0#,,738422# United Kingdom Toll-free

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Dial by your location

0 800 031 5717 United Kingdom Toll-free

0 800 260 5801 United Kingdom Toll-free

0 800 358 2817 United Kingdom Toll-free Meeting ID: 958 1683 4394

Passcode: 738422

Find your local number: <https://zoom.us/u/acM5LxYYkz>

## AGENDA

### 1 **Apologies**

To receive any apologies for absence.

### 2 **Protocol for Remote Meetings** (*Pages 7 - 12*)

To note the Protocol for remote meetings.

### 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 28 October 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 565 – (Councillors: G Barnell and LD Taylor – 17 December 2020)**

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

This Council understands that an updated Business Case from 3RDL will be submitted to Cabinet in February or March. The recent financial information provided to members on the financial performance of the Company and, in particular, on the substantial losses arising from the development of the St George's Court site in Tiverton, do not give confidence that the Company has a future as a viable entity or that further investment of taxpayers money is warranted.

This Council agrees that members must have independent and expert advice on all the options open to the Council about the future of 3RDL and that this advice be made available to all members of the Council at the same time as the new business case is presented .

In order to inform the wider-decision making of the Council beyond the shareholder function performed by Cabinet, this Council, therefore, resolves to:-

1. Commission an independent appraisal of the Company's new business plan by a company or by individuals experienced in the business of speculative property development.

2. Commission an independent report on the options for the liquidation or winding up of the Company from a suitable professional entity experienced in such matters.
3. Ensure the presentation of the new 3RDL Business Case is made at the same time as the above reports both to the Council's Audit Committee and also to the Scrutiny Committee before the matter is subject to Cabinet consideration and decision

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.

**(2) Motion 566 – (Councillors: G Barnell and S J Clist – 17 December 2020)**

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

This Council agrees to commission, as a matter of urgency, a plan based on evidence of local housing need for the delivery of affordable rented and social rented housing across Mid Devon. This plan should make best use of the Government's Affordable Housing programme 2021/26 and be presented to Council by June 2021.

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

**(3) Motion 567 – (Councillors: J Wright and Miss E Wainwright, R Dolley and Mrs C P Daw – 18 December 2020)**

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

This Council:

- Welcomes and appreciates the work that has gone in to developing our climate action plan so far, especially in the context of the Covid pandemic, which stretched capacity and resources.
- Welcomes the recruitment of a Climate and Sustainability Officer, to develop our work.
- Requests that once in place, the new Climate and Sustainability Specialist focuses on further development to our climate action plan, so that it shows the priority actions for the short, mid and longer term, covering the entire period to 2030 and beyond. Plans should outline the strategic actions we need to take to be on track to meet this target.
- Requests that officers explore opportunities to develop the Net Zero Advisory Group, so that it has more authority and responsibility for our climate strategy, and so that the public can access it (e.g. via agendas published online, and being able to

attend meetings).

- Requests that budget be created and ring-fenced for developing our climate work -- through a mixture of funding bids; income generation; prioritisation; partnerships; and 'spend to save' schemes.

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 - 164*)

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

### (1) Cabinet

- 29 October 2020
- 3 December 2020

### (2) Scrutiny Committee

- 9 November 2020
- 14 December 2020

### (3) Audit Committee

- 17 November 2020

### (4) Environment Policy Development Group

- 3 November 2020

### (5) Homes Policy Development Group

- 10 November 2020

### (6) Economy Policy Development Group

- 5 November 2020

### (7) Community Policy Development Group

- 17 November 2020
- 8 December 2020

### (8) Planning Committee

- 4 November 2020
- 13 November 2020
- 2 December 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      **Special Urgency Decisions**

Decisions taken under Rule 16 (of the Constitution) Special Urgency – since the previous meeting.

There have been no such decisions in this period.

12      **Independent Remuneration Panel Report** (*Pages 165 - 186*)

To receive a report of the Head of Legal( Monitoring Officer) setting out the Independent Remuneration Panel's views for consideration by Council to set a Scheme of Allowances from 1 April 2021 until 31 March 2022.

13      **Outside Body Appointments**

To seek nominations and appoint:

- One Member of the Council to the Heart of the South West Local Enterprise Partnership Joint Scrutiny Committee to replace Councillor Richard Chesterton (the Terms of Reference state that this must not be a Cabinet member or a County Councillor). The Joint Scrutiny Committee will provide a strategic overview and scrutiny of the activities of the Heart of the South West Local Enterprise Partnership (LEP).
- One Member of the Council to the Mid and East Devon Children's Centres Advisory Board to replace former Councillor Mrs Irene Hill who resigned in June 2020.

14      **Governance Working Group Update** (*Pages 187 - 188*)

To receive and consider a paper from the Chairman of the Working Group

15      **Questions to Cabinet Members**

Cabinet Members will answer questions from Members on their Portfolios.

16      **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](mailto: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](mailto:sgabriel@middevon.gov.uk)

## **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](mailto: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](mailto: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 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 – meeting management**

If the Chair, the Hosting Officer or the Member Services Officer identifies a problem with the systems from the Council's side, the Chair should either declare a recess while the fault is addressed or, if the fault is minor (e.g. unable to bring up a presentation), it may be appropriate to move onto the next item of business in order to progress through the agenda. 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.

## **19. Technical issues – Individual Responsibility (Members and Officers)**

Many members and officers live in places where broadband speeds are poor, but technical issues can arise at any time for a number of reasons. The following guidelines, if followed, should help reduce disruption. Separate guidance will be issued on how to manage connectivity – this paragraph focusses on the procedural steps. Joining early will help identify problems – see paragraph 6.

- Join public Zoom meetings by telephone if there is a problem with the internet. Before all meetings, note down or take a photograph of the front page of the agenda which has the necessary telephone numbers. Annex 1 to this protocol contains a brief step-by-step guide to what to expect
- Consider an alternative location from which to join the meeting, but staying safe and keeping confidential information secure. For officers, this may mean considering whether to come into the office, subject to this being safe and practicable (childcare etc.)
- If hosting a meeting via Zoom (briefings etc.), consider creating an additional host when setting up the meeting. The additional host can step in if the main host has problems – remember that without a host, the meeting cannot close and any information on the screens will remain on view
- Have to hand the telephone number of another member or officer expected in the meeting – and contact them if necessary to explain the problem in connecting
- Officers should have an 'understudy' or deputy briefed and on standby to attend and present as needed (and their telephone numbers to hand)
- For informal meetings and as a last resort, members and officers may be able to call another member or officer in the meeting who can put the 'phone on loudspeaker for all to hear – not ideal, but it ensures some degree of participation and continuity
- Member Services will hold a list of contact details for all senior officers

## Phone only access to zoom meetings

(Before you start **make sure you know the Meeting ID and the Meeting Password**) – Both of these are available on the agenda for the meeting

**Call the toll free number** either on the meeting agenda or on the Outlook appointment (this will start with 0800 --- ----)

(Ensure your phone is on 'speaker' if you can)

A message will sound saying *"Welcome to Zoom, enter your meeting ID followed by the hash button"*

- **Enter Meeting ID followed by #**

Wait for next message which will say *"If you are a participant, please press hash to continue"*

- **Press #**

Wait for next message which will say *"Enter Meeting Password followed by hash"*

- **Enter 6 digit Meeting Password followed by #**

Wait for the following two messages:

*"You are currently being held in a waiting room, the Host will release you from 'hold' in a minute"*

**Wait.....**

*"You have now entered the meeting"*

### Important notes for participating in meetings

Press **\*6** to toggle between **'mute'** and **'unmute'** (you should always ensure you are muted until you are called upon to speak)

If you wish to speak you can **'raise your hand'** by pressing **\*9**. Wait for the Chairman to call you to speak. The Host will lower your hand after you have spoken. Make sure you mute yourself afterwards.

## MID DEVON DISTRICT COUNCIL

**MINUTES** of a **MEETING** of the **COUNCIL** held on 28 October 2020 at 6.00 pm

### **Present**

#### **Councillors**

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

### **Apologies**

#### **Councillors**

J Cairney, L D Taylor, A White and A Wyer

#### **73 Apologies (00-07-31)**

Apologies were received from Councillors: J Cairney, L D Taylor, A White and A Wyer.

#### **74 Protocol for Remote Meetings (00-07-48)**

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

#### **75 Public Question Time (00-08-10)**

Mrs Hill referring to Item 8 (Motion 564) on the agenda, stated that, point 1 of the motion is well agreed with the majority of people, but we are increasingly living in a polarised society in which both helpful and unhelpful conversations are taking place at this moment about societal issues and problems and it is encouraging that this motion speaks about inclusion, because if we were able to be really inclusive, we would not need to worry about such things like diversity, race, gender etc. However, this is a difficult thing to judge due to our own personal experiences, we all have unconscious biases and personal experiences which affect the way in which we respond to our fellow man and situations.

Businesses as do councils write policy documents which are designed to show that they care about such things such as discrimination and equality, however these are quite often put away and ignored until a time when they need to be updated or complaints are made and they need to be referred to. Policies are strategic documents which point in a particular direction, they are not working documents but explain how the direction will be achieved or are found to be wanting, to show the process of improvement or resolution and if they stray towards process they fail to stay strategic.

The work of the customer working party highlighted some of these issues and I can see easily how that piece of work dovetails into this motion. My question is this and it stems from my own experience of the council in the short time that I was a member, if this motion is passed, what is the intention; as an important direction pointer, how will it be implemented for the Council members, for officers, for workers and for residents? Would the Council consider publishing an easily understood information bulletin that informs our customers of their rights with regard to this simple topic. So in simple language, I want to know how you will translate policy into procedure and into action; monitoring is yet another question. But I do believe that this motion goes some way to supporting a helpful way of separating and simplifying these 2 things, policy and procedure and enabling meaningful conversations to take place about some very emotive issues.

The Chairman indicated that answers would be provided during the debate on this item.

**76 Declarations of Interest under the Code of Conduct (00-12-57)**

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

**77 Minutes (00-13-17)**

The minutes of the meeting held on 26 August 2020 were agreed as a correct record.

The minutes of the extraordinary meeting held on 30 September 2020 were agreed as a correct record.

**78 Chairman's Announcements (00-19-23)**

The Chairman stated that this would be the last meeting of the Council to be held in the current year and he wanted to thank everyone for their attendance and hard work. Attending virtual meetings did not come naturally to many members and therefore he wished to thank the council for making it work during these difficult times.

**79 Petitions (00-20-34)**

No petitions had been presented.

**80 Notices of Motions (00-20-50)**

**(1) Motion 564 (Councillors: Miss Wainwright and Miss J Norton – 15 October 2020)**

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

**Council resolves to:**

1. Practice equality, fairness and inclusion, and to play its part in creating an equal society for all. There is no place for sexism, racism, bigotry, discrimination or intolerance of any form in our society.
2. Acknowledge that language is a powerful tool for change and inspiration, as well as ignorance, oppression and damaged relationships, and should be used thoughtfully and respectfully. Many people who do not have a voice in the public domain have to suffer the consequences of inaccurate or insulting language.
3. Review and, if needed, update member training, to equip all members with the language and tools needed to actively promote diversity and inclusivity.
4. Ask that the Chair of Scrutiny request a report detailing the options for how Mid Devon District Council can implement the relevant recommendations for Local Authorities (where not already in place) listed in the Fawcett Society/LGiU report: 'Does Local Government Work for Women?' (1). (The population of Mid Devon is around 80,600, and is 49% male and 51% female. This proportion is not reflected in the makeup of MDDC).
5. Ask that the Chairs of the Equality Forum and Community PDG identify and discuss approaches to reaching hard-to-reach communities in Mid Devon.
6. Show leadership by creating a diversity and inclusion strategy, and seek input from residents and local organisations that have expertise, to ensure the council is inclusive towards diverse and hard-to-reach communities in its recruitment, member representation and service provision. As part of this, review and update the MDDC equalities policy.
7. Explore further opportunities to increase inclusivity, diversity and representation in Mid Devon District Council, including but not limited to amongst women, minority ethnic communities, young people, and carers.

(1) *The Fawcett Society and Local Government Information Unit report, 'Does Local Government Work for Women?' found that structural and cultural barriers hold back women's participation in local government. The practices and protocols of local government create unnecessary barriers to participation particularly for women with caring responsibilities. <https://www.fawcettsociety.org.uk/does-local-government-work-for-women-final-report-of-the-local-government-commission>*

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

In accordance with Procedure Rule 14.4, the Chairman of the Council had ruled that the matter be discussed at this meeting.

Following discussion: Councillor R B Evans **MOVED** seconded by Councillor C R Slade that in accordance with Procedure Rule 15.1(e) that Item 4 be referred to the Scrutiny Committee and Items 1, 2 3, 5, 6 and 7 be referred to the Standards Committee.

Upon a vote being taken, the referral of the Motion to other Committees was **AGREED**.

**81 Cabinet - Report of the meeting held on 3 September 2020 (00-46-06)**

The Leader presented the report of the meeting of the Cabinet held on 3 September 2020.

**1. Tiverton Eastern Urban Extension (Area B) Masterplan (Minute 228)**

This recommendation was **NOT MOVED** due to the need for additional work to take place within the masterplan.

**82 Cabinet - Report of the meeting held on 1 October 2020 (00-47-30)**

The Leader presented the report of the meeting of the Cabinet held on 1 October.

**1. S106 Governance (Minute 239)**

The Leader **MOVED** seconded by Councillor R J Chesterton:

**THAT** the recommendations of the Cabinet as set out in Minute 229 be **ADOPTED**.

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

Reason for the Decision - There remains a need to agree governance arrangement for S106 agreements even in light of likely legislative change which would require a further review. The arrangements set out in Appendix 1 had been updated following consultation with Parish and Town Councils and input by the Planning Policy Advisory Group.

**2. Mid Devon District Council – Emergency Budget (Minute 241(d))**

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

**THAT** the recommendation of the Cabinet as set out in Minute 241(d) be **ADOPTED**.

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

Reason for Decision: The Heritage Action Zone (HAZ) project relating to Cullompton (which spans the 4 years from 2020/21 to 2023/24) is expected to result in up to £270k expenditure in 2020/21. It can be noted that £130k is funded from external bodies with the balance coming from existing ear- marked reserves.

**83 Scrutiny Committee - Report of the meeting held on 14 September 2020 (00-55-05)**

The Chairman of the Scrutiny Committee presented the report of the meeting of the Committee held on 14 September 2020.



**84 Scrutiny Committee - Report of the meeting held on 12 October 2020 (00-55-40)**

The Chairman of the Scrutiny Committee presented the report of the meeting of the Committee held on 12 October 2020.

**85 Audit Committee - Report of the meeting held on 22 September 2020 (00-56-38)**

The Chairman of the Audit Committee presented the report of the meeting of the Committee held on 22 September 2020.

**86 Environment Policy Development Group - Report of the meeting held on 8 September 2020 (00-57-15)**

The Chairman of the Environment Policy Development Group presented the report of the meeting of the Group held on 8 September 2020.

**87 Environment Policy Development Group - Report of the special meeting held on 19 October 2020 (00-58-00)**

The Chairman of the Environment Policy Development Group presented the report of the special meeting of the Group held on 19 October 2020.

**88 Homes Policy Development Group - Report of the meeting held on 15 September 2020 (00-59-10)**

The Chairman of the Homes Policy Development Group presented the report of the meeting held on 15 September 2020.

**89 Economy Policy Development Group - Report of the meeting held on 10 September 2020 (00-59-50)**

The Chairman of the Economy Policy Development Group presented the report of the meeting of the Group held on 10 September 2020.

**90 Community Policy Development Group - Report of the meeting held on 22 September (1-00-28)**

The Chairman of the Community Policy Development Group presented the report of the meeting of the Group held on 22 September 2020.

**91 Joint Policy Development Group - Report of the meeting held on 20 October 2020 (1-01-12)**

The Chairman of the Community Policy Development Group presented the report of the meeting of the Joint PDG held on 20 October 2020.

**92 Planning Committee - Report of the meeting held on 9 September 2020 (1-02-46)**

The Chairman of the Planning Committee presented the report of the meeting of the Committee held on 9 September 2020.

93 **Planning Committee - Report of the special meeting held on 23 September 2020 (1-03-40)**

The Chairman of the Planning Committee presented the report of the special meeting of the Committee held on 23 September 2020.

94 **Planning Committee - Report of the meeting held on 7 October 2020 (1-04-22)**

The Chairman of the Planning Committee presented the report of the meeting of the Committee held on 7 October 2020.

95 **Licensing Committee - Report of the meeting held on 15 October 2020 (1-05-10)**

The Vice Chairman of the Licensing Committee presented the report of the meeting of the Committee held on 15 October 2020.

96 **Regulatory Committee - report of the meeting held on 15 October 2020 (1-05-31)**

The Vice Chairman of the Regulatory Committee presented the report of the meeting of the Committee held on 15 October 2020.

97 **Questions in accordance with Procedure Rule 13 (1-06-09)**

There were no questions submitted under Procedure Rule 13.2.

98 **Special Urgency Decisions (1-06-27)**

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

99 **Governance Working Group Update (1-06-47)**

The Council had before it and **NOTED** a \*briefing paper from the Chairman of the Governance Working Group.

Councillor B A Moore outlined the contents of the paper explaining that he had taken over the chairmanship of the Group in mid September and that the group had moved forward with several actions. An external information gathering session had been organised for the evening of 23 November. Publicity would be forthcoming over the next few days. Due to the poor response of the internal consultation an additional members workshop would be organised for the end of November/beginning of December to receive members views on the governance arrangements and all members were encouraged to attend.

Due to the impact of the pandemic and consequential delays, the working group would not be able to report to Council by the end of December as previously requested and that it was likely that an extraordinary of Council would be required in the first quarter of 2021 to consider a report and recommendations from the working group.

Note \*Briefing paper previously circulated, copy attached to minutes.

#### 100 **Allocation for Other Bodies (1-11-11)**

The Council had before it a revised \* allocation of seats (with options) for other bodies reflecting the current membership of the Council.

Councillor R B Evans **MOVED** seconded by Councillor R M Deed that Option (1) be approved .

Councillor Mrs N Woollatt **MOVED AN AMENDMENT** seconded by Councillor Miss E Wainwright that Option (3) be approved.

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

With Council confirming the following that:

Councillor D F Pugsley (subject to his agreement) would take a seat on the Development Delivery Advisory Group.

#### Notes:

- i) Councillor D F Pugsley due to a loss of internet connection was unable to confirm whether he would agree to take the seat on the Development Delivery Advisory Group;
- ii) \*Allocation of seats for other bodies previously circulated, copy attached to the minutes.

#### 101 **Questions to Cabinet Members (1-29-59)**

Councillor A Wilce addressing the Cabinet Member for the Environment asked: are you aware that the expired Dog Control PSPO did not undergo any consultation or evidence gathering process to justify the need for such an Order, since it was a transitional Order arising from the new ASB legislation and that therefore, it is necessary for this Council to carry out that work now, before issuing a new Order?

The underlying principle should be that dog controls are the least restrictive required to achieve a defined and measurable outcome. What are they for Mid Devon?

The Government itself, the LGA, and others have said that incidences of nuisance – as opposed to acts of disorder – should be enforced by byelaws and not PSPOs. Where is the evidence of there being such a serious anti-social behaviour issue as to warrant criminalising dog owners?

The Cabinet Member responded stating that the issue would be discussed at the cabinet meeting the following evening, he was only aware of the 2014 Order but would provide a written response to the member following the Cabinet meeting.

Councillor F W Letch addressing the Deputy Leader asked that with the Conservative Group holding 4 Cabinet seats, would the Conservative Group no longer be seen as the opposition?

The Deputy Leader replied stating that that the Cabinet still remained under the leadership of an independent Leader as agreed by Council in 2019. The Conservative Group had 17 seats and were not the majority party. Until they became the majority party they would remain the official opposition.

Councillor G Barnell addressing the Cabinet Member for Housing and Property Services/Deputy Leader asked the following:

1. At Scrutiny Committee on 12<sup>th</sup> October you were asked about the latest forecast for the losses anticipated on the St George's site in Tiverton that is currently being built out by 3Rivers Developments Ltd. We were informed that the answer had been given at Cabinet on 1<sup>st</sup> October. There was no answer given to this question at Cabinet on 1<sup>st</sup> October other than we should expect an answer at the following Scrutiny Committee. At tomorrow's Cabinet meeting the ruling Conservative Group are proposing a further loan of taxpayers money of £1.4 million to 3Rivers. The Cabinet report on this subject claims that 3Rivers will break even by the financial year 2022/23. However the report provides only very sketchy financial evidence to support this claim. Please can the Deputy Leader tell members what are the forecast losses on the St George's site?
2. At Scrutiny Committee on 12<sup>th</sup> October you stated that the expected completion date for the St George's site in Tiverton had been moved back to 2022. Contractors started building on this site in early 2018. At Cabinet in September the Leader of the Council told us that the anticipated completion date for this site was December of this year. Why is there now an additional and very lengthy delay of up to two years in completing this development?

Given that Cabinet will be discussing the future funding of 3RDL tomorrow and that the answers to these questions may be deemed commercially sensitive I am asking that a written answer is provided to Members only in time for tomorrow's meeting of Cabinet.

The Cabinet Member/Deputy Leader stated that a written response would be provided to all members prior to the Cabinet meeting the following day.

Councillor B Holdman addressing the Deputy Leader asked if the Conservative Group were still the opposition party how could he be Deputy Leader of the Council and Leader of the opposition party.

The Deputy Leader responded stating that he was the Leader of the Conservative Group, a group of 17 members, as the Council had 39 Members, the Conservative Group did not hold a majority that was held by a coalition of other members.

Councillor R Dolley addressing the Cabinet Member for Planning and Economic Regeneration asked about the ring fencing of S106 and the monies promised to local organisations which had not been received.

The Cabinet Member responded stating that if Councillor Dolley provided him with the details of his concern and if any other members had similar concerns that they

also forward the details, he would look into the matter, speak to the Head of Planning, Economy and Regeneration and respond.

Councillor S J Clist stated that the youths of the district was enthused by the upgrades to the 2 play areas at Westexe, Tiverton and at Cheriton Bishop and the one at Hemyock which had been funded locally. Which fund was funding the upgrades, how much was left and how could people apply.

The Chairman stated that a written response would be provided to the member.

Councillor D R Coren informed the meeting that the Cheriton Bishop play area upgrade had been funded from S106 monies.

## **102 Members Business (1-45-50)**

There was no members business raised under this item.

(The meeting ended at 7.46 pm)

**CHAIRMAN**

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# Minute Annex

Written Response to Question posed at Council on 28 October 2020 from the Director of Corporate Affairs and Business Transformation.

Dear Mrs Hill

You asked a question at Council last week and I am replying to you with an answer to that question.

‘Motion 564 was not passed at the Council meeting held on the 28<sup>th</sup> October however this motion has prompted questions both within the Member and the Officer cohort. As a result a meeting has been set up in November to explore the issues raised. It is hoped that this will lead to action, although of course just what that will be is not appropriate to speculate at this time.’

Thank you for submitting your question and as per the response it is hoped that in due course further information on this important subject will be available. If I can be of any further assistance please contact me,

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## MID DEVON DISTRICT COUNCIL

**MINUTES** of a **MEETING** of the **CABINET** held on 29 October 2020 at 6.00 pm

### **Present**

#### **Councillors**

R M Deed (Leader)  
R J Chesterton, R Evans, D J Knowles,  
B A Moore, C R Slade, Ms E J Wainwright  
and Mrs N Woollatt

### **Also Present**

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

G Barnell, S J Clist, Mrs C P Daw, F W Letch, R F Radford,  
B G J Warren and A Wilce

### **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)), Ian Chilver (Group Manager for Financial Services), Simon Newcombe (Group Manager for Public Health and Regulatory Services), Andrew Busby (Group Manager for Corporate Property and Commercial Assets), Arron Beecham (Forward Planning Officer), Darren Beer (Operations Manager), Stephen Bennett (Building Surveyor), Vicky Lowman (Environment and Enforcement Manager), Sarah Lees (Member Services Officer) and Sally Gabriel (Member Services Manager)

#### **246. APOLOGIES (00-03-04)**

There were no apologies for absence.

#### **247. PROTOCOL FOR REMOTE MEETINGS (00-03-14)**

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

#### **248. PUBLIC QUESTION TIME (00-03-25)**

The Chairman read out a statement and a question on behalf of Mr Quinn referring to Items 7 (Public Spaces Protection Order) and 14 (3 Rivers Developments Limited) on the agenda:

Firstly on Agenda Item 7 – Public Space Protection Order

I was surprised to hear at the Full Council meeting last night that some New Evidence and New Proposals were being put to the Cabinet tonight on this matter. Surely, the public should have been informed - prior to the meeting.

A paper has been circulated called the full set of responses to the public consultation. This title is wrong - it is not a full set. It does not show the responses from all the consultation questions. No responses are shown from questions asking for Alternative Proposals, Adverse Impacts or Additions or Removals. The responses, that are shown, are incomplete. I know because I made a response, which is not listed. Other responses may also have been missed.

There does not appear to be sufficient evidence of nuisance put forward to justify all the clauses in the PSPO and all the areas covered. The Environment PDG considered that the consultation process was flawed. Putting this PSPO in place will leave the Council open to challenge.

I ask: Will Cabinet please refer this matter back to the Environment PDG for further review?

Secondly on Agenda Item 14 – 3 Rivers Options Report

There is a request, in the report, for money to get legal advice to explore the possibility of setting up a subsidiary to 3 Rivers - to undertake work directly on behalf of the Council. 3 Rivers can already undertake work for the Council without the need for a subsidiary - the recent development at Burlescombe is an example of this.

I understand that the Company has never passed any profits to the Council and the draft budget for this year shows another impairment of £131,000 against the non-repayment of a loan to 3 Rivers. The Council has spent the last year, behind closed doors, trying to sort out the 3 Rivers Company and not all of the fixes are in place yet. With the current financial state of the Council, now is not the time for risk. Put your new Directors in place and let them get this Company operating properly - before you start talking about creating another one.

I ask: Will Cabinet please reject this request?

Mr Conyngham referring to Item 6 (Syrian Vulnerable Persons Refugee Scheme) stated that I am convenor of Welcoming Refugees in Crediton. In March this year we resettled a Kurdish family who are refugees from Syria in a house in Crediton. This was with the support of MDDC although the work involved in the Housing aspects was carried out by Seymour Lettings. The family have settled in very well and have been warmly received by the local community. They are learning English and the teenage children attend QE and Exeter College. Last month the Homes policy committee discussed the future of the programme and made a recommendation to the Cabinet for MDDC to agree to take up to 5 families under the existing scheme and the new scheme which starts in April 2021? Will the Cabinet support this recommendation, especially bearing in mind that this will involve minimal work for Housing officers since most of the work is carried out by Seymour Lettings and no cost to the Council since any costs are reimbursed by the Home Office via DCC?

Anthea Duquemin referring to Item 6 (Syrian Vulnerable Persons Refugee Scheme) stated she was the owner of the house in Crediton which is rented by the most recently arrived Syrian family. I have been delighted with how well the scheme has worked and how easy Seymour Lettings have made the process of preparing the house for the family and then managing the rental arrangements since the family

arrived. I have also been delighted by how appreciative the resettled family is of the house and of all the support they are receiving and how strong their wish is to integrate with the Crediton community. It's been wonderful to see how generously and enthusiastically members of the Crediton community have welcomed the family and looked for ways to help them integrate. Is the Cabinet aware of how strong the wish is of at least some of the Mid Devon communities to continue with this resettlement process that allows us to benefit from cultural exchange and a sense of sharing what is good about life here? I very much hope that the Cabinet will take those benefits into account when considering the proposals to allow another five families to resettle here.

Honorary Alderman David Nation referring to Item 7 (PSPO) on the agenda stated that in June of this year I was told that I needed to make a Freedom of Information request to get details of incidents involving dogs rather than just the headline figures which had been quoted before in reports. I did this and received the following reply – 'We have searched all systems and ran a report on all dog incidents that were reported from 2018 to date. The attached spreadsheet shows a total for the whole district as 165. During the period 1 April 2019 – 31 March 2020 the total was 71, 18 of which were marked as aggressive behaviour. The rest were dog fouling and 1 nuisance.' However the report of the PDG states – 'Between April 2019 – March 2020 128 reports had been logged in relation to aggressive behaviour from dogs both on and off leads within public areas'. Both figures cannot be right, what is the point of making formal requests to this council if inaccurate replies are provided. My interests is in the parks in Crediton and the spreadsheets reveal that in 2 and a half years none of the incidents in Crediton occurred in our parks other than Newcombes Meadow where present regulations require dogs to be kept on leads anyway and few object to that. There were no reports of aggressive dogs in the other parks where officers are now saying more restrictions are necessary. Are you, Councillors, deciding whether to accept the officers recommendations aware of all this? If so how can you justify these further controls? Let me add that I have no objections at all about dog owners being totally responsible for cleaning up after their animals whether the dog is on a lead or not.

Mrs Mary Nation also referring to item 7 stated she was very surprised to learn of the proposal under the order to stop dogs being let off the lead which is obviously very common within the area and led us to getting the schedule of incidents from the Council under Freedom of Information. I've seen the latest report from the officers and wonder why the draft order ignores the results of the consultation where over half of the comments received wanted to be able to exercise their dogs off the lead. I also found that the recommendation from the PDG is unclear, it doesn't seem to be clear whether it is proposing if the whole order goes out to consultation again or whether it is just the amendments that go out for consultation and it would be useful to know which was which. I've seen Government guidance that a Local Authority should consider other options before making such a restrictive order and they should also consider providing alternative places to exercise dogs off the lead if they are bringing in such a ban. Where in Crediton has been suggested, I haven't seen anything giving any ideas. There is nowhere that I know of, except farmland, which as the guidance says, is a sensitive area for dogs to be let off a lead. You don't know what is going to be in that field. The question of having dogs not allowed off the lead means where can I throw a ball for my dog and exercise it in that way, give it enjoyment, give myself enjoyment and give children enjoyment to play with their dogs. That would be useful to know. And lastly have the Councillors on the EPDG

seen the detailed numbers and the types of complaints made as David Nation has said under the schedule that we received under the Freedom of Information request. We've been through those and we are obviously just talking about Crediton because that is where we live. We haven't considered the instances throughout but it does seem that there seems no reason at all to bring in the ban when there hasn't been any incidents in the areas proposed to be now covered.

The Chairman indicated that answers to questions would be provided within the debate or a written response would be provided.

**249. DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (00-16-12)**

Members were reminded of the need to make declarations of interest when appropriate.

**250. MINUTES OF THE PREVIOUS MEETING (00-16-14)**

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

**251. SYRIAN VULNERABLE PERSONS REFUGEE SCHEME AND THE NEW UNITED KINGDOM RESETTLEMENT SCHEME**

Arising from a \*report of the Group Manager for Public Health and Regulatory Services, the Homes Policy Development Group had made the following recommendations:

- a) The proposal made by a community sponsorship group with regard to the resettlement of an additional refugee household in the district under the existing Syrian Refugee Resettlement Scheme be approved.
- b) The Council should take part in the new United Kingdom Refugee Scheme (UKRS).
- c) A maximum of 5 additional families are supported through either the existing or the new scheme. Should the existing Syrian scheme reopen and be available locally then under existing commitments 2 of these additional 5 families should be supported through that scheme, leaving a balance of 3 families to be supported under the new UK scheme. If none or just 1 family can be supported under the Syrian scheme then the balance of placements should be rolled over into the new scheme.

The Cabinet Member for Housing and Property Services outlined the contents of the report stating that this was a continuation of a scheme agreed in 2017 and that he was pleased to support the recommendation of the Policy Development Group. Due to the current pandemic, such schemes were on pause and no date had been received by the Government for the scheme to resume, however conversations continued to take place with Devon County Council.

Consideration was given to:

- The success of the scheme
- The commitment of other authorities

- How well the families had settled into the community
- The need to consider where families were housed so that accessible facilities were convenient to them

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

(Proposed by the Chairman)

**Reason for decision** - The Council is required to agree the proposal relating to community sponsorship before it can go forward, in line with Home Office rules. However, once agreed, the community group will take the lead on this. The Council will be required to confirm that any property chosen complies with relevant health and safety legislation and will be invited to participate in post- arrival visits but there is no requirement to join these visits as DCC can take the lead and report back, as appropriate.

Other local authorities in Devon have pledged to support the UKRS and DCC are keen to promote Devon as a county welcoming to refugees.

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

## 252. **PUBLIC SPACES PROTECTION ORDER (00-25-55)**

Following consideration of a \*report of the Environment and Enforcement Manager, the Environment Policy Development Group has made the following recommendations: that the PSPO be redrafted to take account of the public consultation responses before it goes out for further public consultation on additional areas proposed. The revised PSPO be brought back to Environment PDG for recommendation to the Cabinet.

The Cabinet Member for the Environment outlined the contents of the report stating that the current PSPO ran out on 19 October 2020 and that there was a need to approve a new order. He felt that the consultation process had been well received and that key points from the consultation had been added to the document.

The Leader highlighted the fact that the PDG had recommended that the PSPO be redrafted and that a further consultation process take place, some errors had been highlighted and that there was a need for further work to take place.

The Head of Legal (Monitoring Officer) addressed some of the issues that had been raised through public question time and by members in recent days

- Why the report did not recommend changes in light of the consultation exercise – the view taken was that this was for the Cabinet as decision-maker.
- Whether a PSPO should be used as a last resort – the consideration of alternative measures was encouraged but the legislation did not require it.
- The restrictions must be justified on reasonable grounds in line with the statutory tests - if the Cabinet was not satisfied that there were reasonable grounds, they did not have to approve the making of the order now or in its current form.

- With regard to bye-laws, this was quite an old way of confirming restrictions and the enforcement of bye-laws was generally through prosecution or an injunction. It was difficult to see that this was a more proportionate response.
- The creation of different PSPOs for different issues - this was not necessary but there was no obstacles for doing this.
- Dog fouling did occur throughout the district and there would always be responsible and irresponsible dog ownership.
- Restriction of the number of dogs - this could be imposed, subject to the same tests mentioned above. The Local Government Association guidance referred to the need to focus on the number of dogs that could be controlled with the advice that this should not exceed 6.
- The requirement to identify (in terms of it being an offence not to do so) other than to a police officer was dropped in 2014.
- With regard to consulting with landowners, this should take place so far as it was reasonably practicable, the point being that unregistered land or absent owners might make it impracticable.
- A PSPO should be proportionate and enforceable.
- Mention of a higher standard of harassment and distress was not in the legislation. An assessment of proposed controls was part of the consultation and that the previous order had controls.
- Possible licences for the number of dogs that could be walked at any one time - this was not part of the statutory licensing process and was about property owners (i.e. councils) permitting certain professional dog walkers to exceed any restricted number by granting a license.

Consideration was given to:

- The possible use of Community Protection Notices and the reasons why they were not used
- The outcomes of the consultation and whether a variation to the order could be made
- Whether to increase the number of dogs walked by one person to 6
- The need for the document to be properly drafted
- Whether there was a need for a PSPO and whether other methods of control should be explored first
- What evidence was there that all the problems occurred in all the places identified and that the purpose of a PSPO was to deal with persistent matters
- The PSPO should be used proportionately and whether public order matters were occurring or whether it was just nuisance
- The resource available for enforcing breaches of the PSPO
- Whether there were less intrusive measures available
- Errors within the maps provided and that some of the play areas were not fenced
- The credibility of the figures provided as outlined in public question time
- Whether dog owners unable to let their dogs run free in open spaces would be pushed onto farmland which was not always appropriate
- Whether it was fair to put restrictions on all dog owners
- Whether further work was required to provide a sound document for approval
- The need to include some of the enclosed play areas missing from the draft document



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

(Proposed by the Chairman)

**Reason for the decision:** To ensure that any future decision to adopt the PSPO be supported by a sound process and a sound order backed up by reasonable grounds for doing so.

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

**253. OPERATIONS DIRECTIVE ENFORCEMENT POLICY (1-25-25)**

Following consideration of a report from the Group Manager for Public Health and Regulatory Services, the joint Policy Development meeting held on 20 October had recommended that the revised Enforcement Policy attached in Annex 1 be adopted, subject to minor grammatical amendments as highlighted by the joint Community, Environment and Homes PDG.

Consideration was given to the various services that the enforcement policy covered

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

(Proposed by Cllr C R Slade and seconded by Cllr D J Knowles)

**Reason for the decision:** there is a need for the Council to have an appropriate enforcement policy in place for the relevant statutory functions of the services within the scope of the policy.

**254. DRAFT BUDGET 2021-22 (1-28-01)**

The Cabinet had before it and **NOTED** a \* report of the Deputy Chief Executive (S151) outlining the initial draft 2021/22 Budget and options available in order for the Council to set a balanced budget and agree a future strategy for further budget reductions for 2022/23 onwards.

The Cabinet Member for Finance outlined the contents of the report stating that we were living in unprecedented times and the difficulties that were faced in considering a draft budget for 2021-22; this was the final year of a four year fixed funding settlement, there was uncertainty with Business Rates, the rural settlement payment, the New Homes Bonus and interest rates and that the pandemic had had a significant impact on service income. However, there was a need to set a budget in February 2021. General assumptions had been provided in the report, the overall proposed deficit was shown in the report as was the impact of the pandemic on business and the standard pressures. There was a need to work with officers to make significant savings across the board and to consider revenue opportunities

Consideration was given to:

- The importance of revenue generation and the need to consider some of the suggestions made at the member workshop
- Continued Government support

- Queries with regard to 3 Rivers impairments
- The need for partnership working and to actively seek external funding for specific projects
- The income streams already in place
- Income generation would require investment
- The Capital Programme and the loans to 3 Rivers Development Limited
- The fact that all local authorities were in the same financial position with a view to setting a balanced budget for 2021-22

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

## 255. **TREASURY MANAGEMENT STRATEGY AND MID YEAR REVIEW (1-57-31)**

The Cabinet had before it a \* report of the Deputy Chief Executive (S151) informing it of the treasury performance during the first six months of 2020/21, to agree the ongoing deposit strategy for the remainder of 2020/21 and a review of compliance with Treasury and Prudential Limits for 2020/21.

The Cabinet Member for Finance outlined the contents of the report stating that a continuation of the current policy was proposed and that there would be a reduced borrowing requirement driven by reduced requirements from 3 Rivers developments Limited and the impact of the pandemic.

Consideration was given to how cash balances naturally reduced towards the end of the financial year and the need for some borrowing to take place.

**RECOMMENDED** to Council that:

- a) a continuation of the current policy outlined at paragraphs 6.0 - 6.5 be agreed.
- b) that Council approves the changes to the Capital Financing Requirement, Operation Boundaries and Authorised Limits for the current year at paragraphs 4.4 - 4.5 of the report.

(Proposed by Cllr B A Moore and seconded by Cllr C R Slade)

Reason for the decision – the Council must agree a Treasury Management Strategy.

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

## 256. **MID DEVON DESIGN GUIDE SUPPLEMENTARY PLANNING DOCUMENT (2-02-58)**

The Cabinet had before it a \* report of the Head of Planning, Regeneration and Economy informing members of the outcome of the public consultation on the Design Guide, the amendments that have been made in response to comments received, and a request to adopt the Mid Devon Design Guide as a Supplementary Planning Document.

The Cabinet Member for Planning and Economic Regeneration outlined the contents of the report stating that the purpose of the report was to inform members of the



outcomes of the public consultation on the Design Guide, the amendments that had been made in response to the comments received, and to adopt the Mid Devon Design Guide as a Supplementary Planning Document.

The Mid Devon Design Guide had been prepared to provide detailed guidance on urban, village and rural design issues in Mid Devon. It would assist in raising design awareness and standards throughout the planning process and would be a material consideration for planning decision-making purposes.

From the outset, the overarching aim of the design guide was to better equip all parties in the planning process to identify contextual factors that influence design response and to enable them to prepare a coherent and evidenced response to those. Regular and meaningful engagement with stakeholders was therefore essential in shaping the guide.

He outlined the content of the design guide and the pocket guide that had been included which enabled Local Authority Officers, Members and applicants easy 'table-top' use of the Design Guide during design discussions.

In addition to the aforementioned stakeholder engagement exercises, the Design Guide was subject to an 8-week public consultation between 11 May and 6 Jul 2020. A total of 36 responses and 1 late representation was received. A summary of the main comments received; along with a response explaining how these had been addressed in the SPD.

Consideration was given to:

- Much of the work with regard to the design guide had commenced prior to the Climate Change Declaration, although there were various considerations within the document
- Standards for development and planning policy would be addressed within a Local Plan review

**RESOLVED** that: The Mid Devon Design Guide Supplementary Planning Document (comprising Appendices 1-5 to this report), the Strategic Environmental Assessment Screening Report (Appendix 6) and the Habitats Regulations Assessment Screening Report (Appendix 7) be approved for adoption.

(Proposed by Cllr R J Chesterton and seconded by Cllr R B Evans)

**Reason for decision** – the adoption of the Mid Devon Design Guide will help raise design standards in development proposals that are submitted to the Council for determination and will help guide planning decisions made on these. The status as a Supplementary Planning Document gives greater weight to the document as a material consideration in the determination of planning applications.

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

## 257. **MEASURED TERM MINOR STRUCTURAL WORKS CONTRACT 2020 - 2024 (2-11-22)**

The Cabinet had before it a \* report of the Repairs Manager advising Members on the results for the tendering of the Measured Term Minor Structural Works Contract 2020 – 2024 to Council houses and confirm the award of the contract.

The Cabinet Member for Housing and Property Services outlined the contents of the report giving an overview of the work to be progressed and the tender process which had taken place in line with the agreed procedure/criteria

**RESOLVED** that the new three-year five month Minor Structural Works Contract be awarded to Contractor 4.

(Proposed by Cllr R B Evans and seconded by Cllr D J Knowles)

**Reason for the decision:** there is a need to confirm the award of the tender so that the specified work can be progressed.

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

**258. 19 HIGH STREET, CULLOMPTON (FORMER HARLEQUIN VALET SITE) (2-13-08)**

The Cabinet had before it an \* update report from the Group Manager for Corporate Property and Commercial Assets on the sale of this property.

The Cabinet Member for Housing and Property Services outlined the contents of the report, highlighting the history of the site and the resolution by the Cabinet to sell the property in April 2020. Due to circumstances the buyer could not proceed with the sale and therefore there was a need to agree how the sale of the property might be progressed

Consideration was given to the impact of the property on the viability of Cullompton High Street and that the sale should be progressed.

**RESOLVED** the delegated authority be given to the Deputy Chief Executive (S151) in consultation with Cllr Bob Evans (Cabinet Member for Housing and Property Services) and Cllr Andrew Moore (Cabinet Member for Finance) to secure the sale on terms which provide best value to the Council.

(Proposed by Cllr R B Evans and seconded by Cllr C R Slade)

**Reason for the decision:** the Council does not own the property but there is a need to recover the outstanding debt on the property.

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

**259. 3 RIVERS DEVELOPMENTS LIMITED (2-17-49)**

The Cabinet had before it a \*report of the Chief Executive and a further report of the Acting Managing Director of 3 Rivers Developments Limited providing the monthly update report and a summary of the options explored regarding the future direction of the company and to consider an interim funding request made by the company.

The Cabinet Member for Housing and Property Services answering a question posed in public question time stated that at the inception of the company the Council decided to structure it's property company as a non-Teckal one so that it would not need to be bound by the standard public sector procurement rules. The operational opportunity cost of this decision meant that the Council could not gift work streams to

its own company. However, if (as was legally permissible) it set up an additional Teckal subsidiary this would then be acceptable legally (subject to certain rules). The benefit of this was two-fold, the Council then had a reliable/known developer who could move forward more quickly with developments and the company had a wider portfolio of developments in order to spread risk over.

Cllr B A Moore moved, seconded by Cllr R B Evans that the meeting go into private session to consider an update with regard to the company and to consider a funding request

Therefore 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).

Upon a vote being taken, this was **AGREED**.

Following consideration of the recommendations within the report, the meeting returned to open session and

**RESOLVED** that:

- a) the update from 3 Rivers Developments Ltd be noted;
- b) the funding request for £1.41m, in accordance with the approved capital programme be approved, subject to these (and all subsequent) transactions utilising the newly-commissioned loan agreement templates.
- c) the proposed expenditure to secure legal advice on exploring the advantages and disadvantages of new governance arrangements to include a holding company and Teckal-compliant subsidiary, in order to deliver the most benefits for Mid Devon be agreed. This advice to be brought back to Cabinet as soon as practicable for future consideration.

(Proposed by Cllr B A Moore and seconded by Cllr R B Evans)

**Reason for the decision:** to provide interim funding for 3 Rivers Developments Limited to enable it to continue its operations and work on specified projects in advance of the submission and consideration of a new business plan in February/March 2021. Further, to approve the funding of legal advice on the advantages and disadvantages of setting up a Teckal subsidiary.

Note: \*Report previously circulated.

## 260. **NOTIFICATION OF KEY DECISIONS (3-29-48)**

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

It was requested that the appointment of a Non-Executive Director be added to the plan inline with the agreed action plan for 3 Rivers Developments Limited.

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

(The meeting ended at 9.33 pm)

**CHAIRMAN**

**Treasury Management Strategy Mid-Year Review Report 2020/21**

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

**Reason for Report:** To inform the Cabinet of the treasury performance during the first six months of 2020/21, to agree the ongoing deposit strategy for the remainder of 2020/21 and a review of compliance with Treasury and Prudential Limits for 2020/21.

**Recommendation(s):**

- 1. That Cabinet recommends to Council that a continuation of the current policy outlined at paragraphs 6.0 - 6.5 be agreed.**
- 2. That Cabinet recommends that Council approves the changes to the Capital Financing Requirement, Operation Boundaries and Authorised Limits for the current year at paragraphs 4.4 - 4.5.**

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

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

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

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

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

**Climate Change Assessment:** No implications relating this report.

## 1.0 Introduction

- 1.1 CIPFA's Code of Practice for Treasury Management recommends the annual setting of a Treasury Management Strategy and best practice dictates a half yearly update of treasury performance. This report will not only update Members on the treasury performance over the first six months of 2020/21, but will also seek approval for the ongoing deposit strategy.

## 2.0 Treasury Performance 01/04/2020 to 30/09/2020

- 2.1 The table below shows the Council's overall treasury management position for the first six months of 2020/21.

Treasury Position	Average Interest	Total Interest as at 30/09/2020	Forecast Year-End Position
Temporary Investments and Deposits	0.42%	£92k	£122k
CCLA Dividends	3.67%	£91k	£183k
Commercial Activities / Non-Financial Investments	5.00%	£261k	£518k
<b>Total</b>		<b>£444k</b>	<b>£823k</b>

- 2.2 The General Fund 2020/21 budget for all investment activity is £568k and for the Housing Revenue Account is £53k.
- 2.3 The coronavirus outbreak has done huge economic damage to the UK and around the world over the first half of 2020/21. After the Bank of England took emergency action in March to cut Bank Rate to first 0.25%, and then to 0.10%, it left Bank Rate unchanged at its last meeting on 6<sup>th</sup> August, although some forecasters had suggested that a cut into negative territory could happen. However, the Governor of the Bank of England has made it clear that he currently thinks that such a move would do more damage than good and that more quantitative easing is the favoured tool if further action becomes necessary. No increase in Bank Rate is expected within the forecast horizon ending on 31<sup>st</sup> March 2023 as economic recovery is expected to be only gradual and, therefore, prolonged.
- 2.4 The Bank of England's Monetary Policy Committee kept the level of quantitative easing unchanged at £745bn at its last meeting on 6<sup>th</sup> August. Its forecasts were optimistic in terms of three areas:
- The fall in **GDP** in the first half of 2020 was revised from 28% to 23%. This is still one of the largest falls in output of any developed nation. However, it is only to be expected as the UK economy is heavily skewed towards consumer-facing services – an area which was particularly vulnerable to being damaged by lockdown.
  - The peak in the **unemployment rate** was revised down from 9% in Q2 to 7½% by Q4 2020.
  - It forecast that there would be excess demand in the economy by Q3 2022 causing CPI **inflation** to rise above the 2% target in Q3 2022, (based on market interest rate expectations for a further loosening in policy). Nevertheless, even if the Bank were to leave policy unchanged, inflation was still projected to be above 2% in 2023.

- 2.5 One key addition to **forward guidance** was a new phrase in the policy statement, namely that “it does not intend to tighten monetary policy until there is clear evidence that significant progress is being made in eliminating spare capacity and achieving the 2% target sustainably”. That seems designed to say, in effect, that even if inflation rises to 2% in a couple of years’ time, do not expect any action from the MPC to raise Bank Rate – until they can clearly see that level of inflation is going to be persistently above target if it takes no action to raise Bank Rate.
- 2.6 The **Financial Policy Committee** (FPC) report on 6<sup>th</sup> August revised down their expected credit losses for the banking sector to “somewhat less than £80bn”. It stated that in its assessment “banks have buffers of capital more than sufficient to absorb the losses that are likely to arise under the MPC’s central projection”. The FPC stated that for real stress in the sector, the economic output would need to be twice as bad as the MPC’s projection, with unemployment rising to above 15%.
- 2.7 Overall, it is expected that there has been a strong pickup in economic growth during the back-end of quarter 2 of 2020. However, that pace is likely to fade as the furlough scheme ending in October will lead to many job losses during the second half of the year. Consumers will also probably remain cautious in spending and this will dampen growth. Uncertainty over the outcome of the UK/EU trade negotiations concluding at the end of the year will also be a headwind.
- 2.8 Interest rate forecasts:
- The Council's treasury advisor, Link Group, has provided the following forecasts (PWLB rates are certainty rates):

Link Group Interest Rate View 11.8.20											
	Sep-20	Dec-20	Mar-21	Jun-21	Sep-21	Dec-21	Mar-22	Jun-22	Sep-22	Dec-22	Mar-23
Bank Rate View	0.10	0.10	0.10	0.10	0.10	0.10	0.10	0.10	0.10	0.10	0.10
3 Month average earnings	0.10	0.10	0.10	0.10	0.10	0.10	0.10	-	-	-	-
6 Month LIBID	0.10	0.10	0.10	0.10	0.10	0.10	0.10	-	-	-	-
12 Month LIBID	0.20	0.20	0.20	0.20	0.20	0.20	0.20	-	-	-	-
5yr PWLB Rate	1.90	1.90	2.00	2.00	2.00	2.00	2.00	2.10	2.10	2.10	2.10
10yr PWLB Rate	2.10	2.10	2.10	2.10	2.10	2.20	2.20	2.20	2.30	2.30	2.30
25yr PWLB Rate	2.50	2.50	2.50	2.50	2.60	2.60	2.60	2.70	2.70	2.70	2.70
50yr PWLB Rate	2.30	2.30	2.30	2.30	2.40	2.40	2.40	2.50	2.50	2.50	2.50

- 2.9 From the local authority borrowing perspective, HM Treasury imposed **two changes of margins over gilt yields for PWLB rates** in 2019-20 without any prior warning. The first took place on 9<sup>th</sup> October 2019, adding an additional 1% margin over gilts to all PWLB period rates. That increase was then at least partially reversed for some forms of borrowing on 11<sup>th</sup> March 2020, but not for mainstream General Fund capital schemes, at the same time as the Government announced in the Budget a programme of increased infrastructure expenditure. It also announced that there would be a consultation with local authorities on possibly further amending these margins; this was to end on 4<sup>th</sup> June, but that date was subsequently put back to 31<sup>st</sup> July. It is clear that the Treasury will no longer allow local authorities to borrow money from the PWLB to purchase commercial property if the aim is solely to generate an income stream (assets for yield).



- 2.10 Following the changes on 11<sup>th</sup> March 2020 in margins over gilt yields, the current situation is as follows:
- **PWLB Standard Rate** is gilt plus 200 basis points (G+200bps)
  - **PWLB Certainty Rate** is gilt plus 180 basis points (G+180bps)
  - **PWLB HRA Standard Rate** is gilt plus 100 basis points (G+100bps)
  - **PWLB HRA Certainty Rate** is gilt plus 80bps (G+80bps)
  - **Local Infrastructure Rate** is gilt plus 60bps (G+60bps)
- 2.11 It is possible that the non-HRA Certainty Rate will be subject to revision downwards after the conclusion of the PWLB consultation; however, the timing of such a change is currently an unknown, although it would be likely to be within the current financial year
- 2.12 As the interest forecast table for PWLB certainty rates (gilts plus 180bps) above shows, there is likely to be little upward movement in PWLB rates over the next two years as it will take economies, including the UK, a prolonged period to recover all the momentum they have lost in the sharp recession caused during the coronavirus shut down period. Inflation is also likely to be very low during this period and could even turn negative in some major western economies during 2020/21.

### 3.0 Investment Portfolio

- 3.1 In accordance with the Code, it is the Council's priority to ensure security of capital and liquidity, and to obtain an appropriate level of return which is consistent with the Council's risk appetite. Due to the current economic climate and reductions to the Base Rate, it is now impossible to earn the level of interest rates commonly seen in previous decades as investment rates up to 12 months are barely above zero, with DMO rates even turning negative for maturities up to 2 weeks. Given this risk environment and the fact that increases in the Base Rate are unlikely to occur before the end of the current forecast horizon of 31<sup>st</sup> March 2023, investment returns are expected to remain low.
- 3.2 Towards the end of March 2020, approval was given by the Deputy Chief Executive (S151) and the Cabinet lead for Finance to breach the £5m counterparty limit with the Council's banking provider, NatWest, for an initial period of three months. This was to allow the administration of the business grant schemes announced by Government as part of the Covid-19 response, and to ensure sufficient funds were held whilst cash flows remained volatile. The Council received £22.732m on 1 April 2020 to fund these schemes, which ended on 28 August 2020 leaving £2.548m unspent. This is to be held in the Council's NatWest account until repayment is required.
- 3.3 Further approval was given at the end of June for a temporary counterparty limit of £10m with NatWest for 3 months, which was then extended at the start of October for a further 3 months. This limit is to be kept under review and will return to the £5m limit once conditions allow.
- 3.4 The Council's investment portfolio as at 30 September 2020 was made up of short term investments/deposits to the value of £28.17m, comprising of £20.50m in fixed term investments and £7.67m in NatWest call accounts. In addition to this, the Council also holds £5.00m in the CCLA commercial property fund.



3.5 Short term investments/deposits held as at 30 September 2020 are as follows:

Institution	Principal (£)	Rate	Start Date	Maturity Date
Rugby Borough Council	1,000,000	0.90%	09/10/2019	07/10/2020
City of Liverpool	2,000,000	1.00%	15/04/2020	15/10/2020
Leeds Building Society	2,000,000	0.06%	17/09/2020	19/10/2020
Highlands Council	1,000,000	0.92%	27/11/2019	25/11/2020
Aberdeenshire Council	5,000,000	0.50%	26/05/2020	26/11/2020
Lloyds	2,000,000	1.10%	30/12/2019	30/12/2020
Blackpool Borough Council	2,000,000	0.23%	22/09/2020	06/04/2021
Salford City Council	2,000,000	0.20%	14/09/2020	14/06/2021
Spelthorne Borough Council	1,500,000	0.42%	27/07/2020	26/07/2021
Broxbourne Borough Council	2,000,000	0.40%	02/09/2020	01/09/2021

- 3.6 The Council received an average return of 0.42% on investments during the first six months of 2020/21, down from 0.75% at the same point in the previous year. This reduction is down to the drop in the base rate to 0.1% in March 2020, and fewer Local Authorities looking to borrow in the short term resulting in a more competitive market for those looking to lend. The return on investments is likely to reduce further in the second half of 2020/21 as maturing investments made prior to the drop in interest rates are replaced with lower yielding investments.
- 3.7 The Council currently has £5m deposited with the CCLA (Churches, Charities and Local Authorities) commercial property fund, which pays dividends quarterly. For the first two quarters of 2020/21, dividends of 3.67% were received, down from 4.5% for the same period in 2019/20. The dividend payout remained consistent from Q1 to Q2, and there has been a small increase in fund value in September 2020 after reductions seen in previous months due to the Covid-19 pandemic.

#### 4.0 Borrowing Requirements and Prudential Indicators

- 4.1 The Council has no short term borrowing but has existing PWLB loans of £38.027m as at 30 September 2020, in addition to £2.160m in finance leases.
- 4.2 The Council's revised capital financing requirement (CFR) for 2020/21 is £62.699m. The CFR denotes the Council's underlying need to borrow for capital purposes. If the CFR is positive the Council may borrow from the PWLB or the market (external borrowing) or from internal balances on a temporary basis (internal borrowing). The balance of external and internal borrowing is generally driven by market conditions. Table 4.5 shows the Council has borrowings of £47.527m and has utilised £15.172m of cash flow funds in lieu of borrowing.
- 4.3 There has so far been no new borrowing in 2020/21, however there is expected to be a need to borrow up to £8m before the end of the financial year to finance planned capital spend and to replace some internal borrowing as cash balances naturally reduce towards the end of the year. This is a reduction in the level of borrowing forecast at the start of the year, which originally stood at £16.11m, and could reduce further as the impact of Covid-19 on the deliverable capital programme continues to

be assessed. Further funding from Government in response to Covid-19 could also reduce the need for new borrowing.

- 4.4 The Treasury Management Strategy Statement (TMSS) for 2020/21 was approved by Cabinet on 13 February 2020. The underlying TMSS approved previously requires revision in light of delayed 3 Rivers Developments Limited projects and a revised deliverable capital programme for 2020/21. The proposed changes are set out below:

Prudential Indicator 2020/21	Original £000	Revised Prudential Indicator £000
Authorised Limit	95,000	76,000
Operational Boundary	86,000	67,000
Capital Financing Requirement	81,686	62,699

- 4.5 The table below shows a breakdown of the revised CFR. It also shows the expected debt position over the period, which determines the Operational Boundary and Authorised Limit shown in the above table.

	2020/21 Original Estimate £000	2020/21 Revised Estimate £000
<b>Prudential Indicator – Capital Financing Requirement</b>		
CFR – Non Housing	19,034	12,756
CFR – Housing	41,957	39,611
CFR – Commercial Activities / Non-Financial Investments	20,695	10,332
<b>Total CFR</b>	<b>81,686</b>	<b>62,699</b>
<b>Prudential Indicator – External Debt</b>		
Borrowing	53,212	45,104
Other Long Term Liabilities*	2,872	2,423
<b>Total Debt (Year End Position)</b>	<b>56,084</b>	<b>47,527</b>

\* Includes finance leases

## 5.0 Annual Investment Strategy

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

CIPFA's Treasury Management in Public Services Code of Practice and Cross Sectorial Guidance Notes ("the CIPFA Treasury Management Code").

## **6.0 Lending Criteria and Counterparty Limits**

- 6.1 The current policy allows the lending of funds to be deposited with major UK banks and building societies with an investment period no longer than two years and where the counterparty is required to meet the following ratings requirements: Banks (Fitch F1, F1+) and for building societies based upon a minimum Fitch rating of F1 and an asset base level of at least £1bn. The maximum lending limit to any group counterparty is £5m. The policy includes investments with CCLA property fund and money market funds with a limit of £2m on this option. Note that delegation was provided to the S151 officer and Finance Portfolio Holder in 2011/12 to make reactive decisions when market conditions changed due to volatility in rating changes when our own bankers, NatWest, were downgraded, along with other part nationalised banks. We do not invest any term deposits with the Royal Bank of Scotland Group and only have our call accounts with them.
- 6.2 Officers would recommend a continuation of the existing policy for investments with banks and building societies, property funds and money market funds.
- 6.3 In addition to these fixed term deposits, the Council also uses an instant access liquidity account with NatWest (the Council's banker) to sweep any small surplus funds which cannot be placed by our brokers. Again, this account will be subject to the same £5m maximum deposit level (£10m whilst temporary approval remains in place).
- 6.4 The Council will also continue to lend to:
- Local Authorities, Police, Fire & Rescue, Parish Councils and other Public Bodies
  - UK Government (including gilts, Treasury Bills and the DMADF)
  - Other Bodies.
- 6.5 The investments that can be made to the organisations stated in paragraph 6.4, will not be constrained to a maximum deposit of £5m due to their lower level of risk. However, other bodies have a monetary limit of £3m.

## **7.0 Conclusion**

- 7.1 The first half year performance has been affected by falling interest rates, however the impact has been mitigated to some degree by short term investments placed before rates started to fall in March. Investment income has also been bolstered by the interest received from 3 Rivers Developments Limited being largely unaffected by the reduction in interest rates. Investment income is likely to fall further in the second half of 2020/21 as maturing investments are replaced with new investments yielding far lower returns.

### **For more information contact:**

Andrew Jarrett | 01884 234242 | [ajarrett@middevon.gov.uk](mailto:ajarrett@middevon.gov.uk)  
Kieran Knowles | [kknowles@middevon.gov.uk](mailto:kknowles@middevon.gov.uk)

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## **MID DEVON DISTRICT COUNCIL**

**MINUTES** of a **MEETING** of the **CABINET** held on 3 December 2020 at 6.00 pm

### **Present**

#### **Councillors**

R M Deed (Leader)  
R J Chesterton, R Evans, D J Knowles,  
B A Moore, C R Slade, Ms E J Wainwright  
and Mrs N Woollatt

### **Also Present**

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

G Barnell, S J Clist, Mrs C P Daw, R J Dolley, C J Eginton,  
F W Letch, S J Penny, R F Radford, B G J Warren and  
A Wilce

### **Also Present**

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

Stephen Walford (Chief Executive), Andrew Jarrett (Deputy Chief Executive (S151)), Jenny Clifford (Head of Planning, Economy and Regeneration), Jill May (Director of Corporate Affairs and Business Transformation), Darren Beer (Interim Group Manager Street Scene and Open Spaces), Andrew Busby (Group Manager for Corporate Property and Commercial Assets), Lisa Lewis (Group Manager for Business Transformation and Customer Engagement), Simon Newcombe (Group Manager for Public Health and Regulatory Services), Matthew Page (Group Manager for Human Resources), Catherine Yandle (Group Manager for Performance, Governance and Data Security), Tristan Peat (Forward Planning Team Leader), Carole Oliphant (Member Services Officer) and Sally Gabriel (Member Services Manager)

## **261. APOLOGIES**

There were no apologies for absence.

## **262. PROTOCOL FOR REMOTE MEETINGS (00-03-12)**

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

## **263. PUBLIC QUESTION TIME (00-03-26)**

The Chairman read a statement and a question on behalf of Mr Quinn referring to Item 11 (Land at Post Hill) on the agenda:

This report proposes that the Council builds 70 properties and asks Cabinet to agree that any new 'Teckal' company would deliver them.

It was only on 29 October that Cabinet agreed expenditure to: "secure legal advice on exploring the advantages of new governance arrangements to include a holding

company and Teckal-compliant subsidiary, in order to deliver the most benefits for Mid Devon". As I understand it, this advice has not yet been received by Cabinet.

Paragraph 3.5 states that to be a Teckal Company, the Council must "exercise a degree of control over the company similar to that exercised over its own departments". It is difficult for the public to understand how the Council would do this.

It seems to me that asking Cabinet to agree to give this development to this Teckal Company, before it has even been formed, is rather like "Putting the Cart before the Horse".

A high value development, like this one at Post Hill, is complicated and will obviously need careful and experienced management.

The projected timetable (at paragraph 11.3) does not seem to give sufficient time for Cabinet to receive and consider the report into a possible 'Teckal' Company and then, if it is approved, to bring the company legally into being and staff it sufficiently for it be able to properly manage the commencement of this development.

My questions are:

When is the report on the possible 'Teckal' Company expected to be brought before Cabinet?

And will this report be 'Open' – to allow for public scrutiny?

The Chairman indicated that a response to the question would be provided when the item was debated.

Mr Cashmore referring to Item 17/18 (3 Rivers Developments Limited) on the agenda stated that: We know that councillors are expected to abide by the 7 Nolan Principles of Local Government.

But were you also aware that council officers, from the (CEO down), as well as being expected to fulfil the terms of their employment contract, are also expected to abide by the 7 Principles of Decision Making? (as found in section 15.2 of your own constitution? 300+pages!). In particular, I draw your attention to para d) there is a presumption in favour of Openness in all decisions. & para g) the giving of reasons for the decision, and the proper recording of those reasons.

Therefore, Does this cabinet not agree with me that we should all be concerned of the motives of any elected councillor or official, (either working as an individual, or as part of a group) who, at face value, appears to be working hard to hide council information from public scrutiny?, - rather than taking every opportunity to publish it?

Last week I used Zoom to speak to the Governance working group, but was surprised to be told that the meeting was being recorded, only for the use of notetaking (!)

As all Mid Devon meetings are now being conducted virtually on Zoom, can you please list any reasons why this council should NOT go ahead and agree to publish ALL their virtual meetings live on YouTube?

This simple step was successfully implemented some months ago by East Devon District Council and I urge you all to have a look to see how it works. It could allow the public to actually see their own councillors at work, either live as it happens, or at any other time. It may also help you to improve engagement with our younger community.

Which now leads to my question regarding 3 Rivers. Does this cabinet share my concerns, that unless it starts to provide far greater transparency regarding the aspirations and plans for 3 Rivers then they should not really be surprised at the growing public disquiet regarding it's shocking performance to date.

Therefore my question is: When does this council expect 3RDL will be able to complete paying off its council loans and start returning a profit to the ratepayers of Mid Devon as originally intended?

The Chairman indicated that a written response would be provided.

**264. DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (00-09-36)**

Members were reminded of the need to make declarations of interest when appropriate.

**265. MINUTES OF THE PREVIOUS MEETING (00-09-55)**

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

**266. REFUSE WASTE OPTIONS (00-10-29)**

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

- The options in the report be considered; and
- Authority should be given for the Service to complete a trial to a limited number (around 1000) of households for a minimum of three months

The Cabinet Member for the Environment outlined the contents of the report stating that the suggested changes to the current scheme had been discussed with advisors and meetings had taken place with East Devon District Council with regard to the scheme that they were running and consideration of any best practice. Four options had been put forward, this was not about saving money but increasing recycling in line with Government guidelines to recycle 65% of household waste by 2035 and Devon's proposed 60% target by 2025. He outlined the proposed trial which would take place in urban and rural areas (which would include some specific areas that had special issues) and it was hoped that the trial would increase recycling which was cost effective.

Consideration was given to:



- Other districts that had implemented 3 weekly residual waste collections and whether they had fortnightly collections of recycling or whether they had weekly recycling collections
- The need for an additional option to include residual - 3 weekly, chargeable garden waste - 2 weekly, food – weekly, recycling - weekly, with a residual waste - residents' receptacle or sacks, as there was a need to look at all the options for a complete trial. It was agreed that this should be considered as part of the trial.
- The cost implications of the various options
- Whether special circumstances would be considered depending on the number of people/children in a residence
- Capacity to store waste prior to collection
- Whether the amount of waste to be collected would be capped
- How the collection lorries would be used
- The amount of brown bins being stored at the depot
- Opportunities to reduce the current carbon footprint

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

(Proposed by Cllr C R Slade and seconded by Cllr Miss E Wainwright)

**Reason for decision** – there is a need to increase recycling in the District in line with Government guidelines to recycle 65% of household waste by 2035 and Devon's proposed 60% target rate by 2025.

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

## 267. **COMMUNITY HOUSING FUND PROJECT GROUP REPORT (00-37-33)**

Further to a report of the Head of Planning, Economy and Regeneration, the Homes Policy Development Group had made the following recommendation:

Section 11.1 of the Community-Led Housing Fund Guidance and Criteria (Appendix 2), which provides the framework for the allocation of grants, is amended so that the Community Housing Fund Project Group membership includes:

The Cabinet Member for Housing, the Cabinet Member for Planning and Economic Regeneration, the Group Manager for Housing Services, the Head of Planning, Economy and Regeneration and the Housing Enabling and Policy Officer.

The Cabinet Member for Housing and Property Services outlined the contents of the report stating that the report sought to amend the membership of the project group as this followed the Council's housing enabling role being moved from the Housing Service to the Planning Service. He highlighted that for the sake of clarity Appendix 2 would be renamed to Appendix A.

Consideration was given to:

- A request for information with regard to the monies spent from the fund and how they were spent
- The proposed appointment of the new officer



- The membership of the project group and whether elected members should be included
- The need for the new officer (when in post) to promote the scheme

**RESOLVED** that the recommendation of the Policy Development Group be approved subject to the reference to the framework for the allocation of the grants being in Appendix A of the document.

(Proposed by Cllr R B Evans and seconded by Cllr R J Chesterton)

**Reason for decision** – to amend the membership of the Community Housing Fund Project Group to reflect that the Council’s housing enabling role has moved from the Housing Service to the Planning Service.

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

## 268. **STRATEGIC PLANNING (00-47-17)**

The Cabinet had before it a \*report of the Head of Planning, Economy and Regeneration setting out options for future joint strategic planning arrangements with partner authorities in the Exeter Housing Market Area and Travel to Work Area.

The Cabinet Member for Planning and Economic Regeneration outlined the contents of the report stating that recent decisions made by East Devon District Council to withdraw from the preparation of the Greater Exeter Strategic Plan, and subsequently by this Council to prepare a revised joint strategic plan had meant that there was a need to consider alternative approaches for joint strategic planning across the Greater Exeter area.

The purpose of this report was to seek a recommendation from Cabinet to Council to support in principle a preferred alternative approach. This would involve the production of a joint non-statutory plan, to include joint strategy and infrastructure matters, for the Greater Exeter area in partnership with Exeter, East Devon, Teignbridge and Devon County Councils. He outlined options and stated that there was significant benefit in continuing to work jointly on strategic planning across Mid Devon, East Devon, Exeter and Teignbridge. The city and 3 districts had shared housing market and travel to work areas, and there was a need for cooperation to help achieve a coordinated approach over cross-border strategic planning issues and the provision of infrastructure.

A non-statutory joint strategy and infrastructure plan would provide a co-ordinated response to the area’s strategic economic, climate, housing, environmental and issues and help to secure central government investment.

A non-statutory joint strategy and infrastructure plan would be fundamentally different from the Greater Exeter Strategic Plan since it would not be subject to a formal plan making process, and it would not identify strategic site allocations. It would sit alongside the preparation of separate Local Plans prepared by each of the 4 Councils which would provide the statutory policies, development targets and site allocations for each district.

**RECOMMENDED** to Council that: in principle the production of a joint non-statutory plan be supported, to include joint strategy and infrastructure matters, for the Greater

Exeter area in partnership with Exeter, East Devon, Teignbridge and Devon County Councils. This will be subject to agreement of details of the scope of the plan, a timetable for its production, the resources required, and governance arrangements to be agreed at a later date.

(Proposed by Cllr R J Chesterton and seconded by Cllr C R Slade)

**Reason for decision** – To recommend to Council the most appropriate way to take forward sub-regional spatial planning and collaboration across the housing market area in light of previous Council decisions on this subject.

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

## 269. **INFRASTRUCTURE FUNDING STATEMENT (00-52-36)**

The Cabinet had before it a \*report of the Head of Planning, Economy and Regeneration requesting approval of the list of Infrastructure items, including affordable housing to be included in the Council's Infrastructure Funding Statement, which was required to be published on the Council's website by 31 December 2020.

The Cabinet Member for Planning and Economic Regeneration outlined the contents of the report stating that there was a legal requirement for the Council to publish no later than 31 December each year an annual Infrastructure Funding Statement.

This included:

- a report relating to the previous financial year Community Infrastructure Levy (note the Council is not currently a CIL charging authority and so no CIL has been collected),
- a report relating to the previous financial year on planning obligations (Section 106 agreements and Section 278 highways agreements), and
- a report on infrastructure projects or types of infrastructure that the Council intends to fund wholly or partly by the levy (excluding the neighbourhood proportion).

There was a need to seek approval for a list of infrastructure and affordable housing in Appendix 1 (Part B) that the Council intends to fund either wholly or partly by planning obligations and or a Community Infrastructure Levy and the future spending priorities on those.

The list in Appendix 1 (Part B – Infrastructure List) and the future spending priorities had been informed through previous work for the Council's Infrastructure Delivery Plan 2016. This was submitted to the Planning Inspectorate in March 2017 as a supporting document for the examination of the Mid Devon CIL draft charging schedule, and had been prepared in the context of infrastructure needs to support development identified in the recently adopted Mid Devon Local Plan.

The Mid Devon Infrastructure Funding Statement would use the same infrastructure priority criteria to reflect the importance of infrastructure in relation to the implementation of the adopted Mid Devon Local Plan.

The Cabinet Member requested that consideration be given to four amendments to the list of infrastructure in Appendix 1 (Part B- Infrastructure List) that have been suggested by Cabinet Members prior to the meeting:

- (Settlement / area) Rural, (Infrastructure item) Cycle route from Crediton to Sandford to connect to the Boniface Trail, (Type) Transport, (Strategic Priority) Local

The priority is 'local' since the plan and / or site allocations are not dependent on the delivery of this infrastructure item, and it would be beneficial to the local community as will the Boniface Trail

- (Settlement / area) Cullompton, (Infrastructure item) Sporting and leisure facilities, (Type) Community, (Strategic Priority) Local

The priority is 'local' since the plan and / or site allocations are not dependent on the delivery of this infrastructure item, and it would be beneficial to the local community

- (Settlement / area) Cullompton, (Infrastructure item) Improvement of local library services, (Type) Libraries, (Strategic Priority) Local

The priority is 'local' since the plan and / or site allocations are not dependent on the delivery of this infrastructure item, and it would be beneficial to the local community

- (Settlement / area) Cullompton, (Infrastructure item) strategic green infrastructure including public parkland, (Type) Community, (Strategic Priority) Local

The priority is 'local' since the plan and / or site allocations are not dependent on the delivery of this infrastructure item, and it would be beneficial to the local community

Consideration was given to:

- The primary school proposed for the Pedlars Pool site which was actually in the parish of Sandford
- The expansion of Haywards and Landscore Primary schools
- Strategic planning requirements for Crediton and the timetable for work to commence on a masterplanning exercise
- Whether funding could be used to improve existing green infrastructure in Cullompton
- That the infrastructure projects were proposed by area and not parish

**RESOLVED** that the following be approved:

- a) The list of infrastructure and affordable housing in Appendix 1 that the Council intends to fund, either wholly or partly, by planning obligations and / or a Community Infrastructure Levy, and the future spending priorities on these;
- b) The inclusion of Appendix 1 – Infrastructure List in the Mid Devon Infrastructure Funding Statement to be published on the Council's website by 31December 2020 subject to the inclusion of

Settlement / area	Infrastructure Item	Type	Strategic Priority
Rural	Cycle route from Crediton to Sandford to connect to the Boniface Trail	Transport	Local
Cullompton	Sporting and leisure facilities	Community	Local
Cullompton	Improvement of local library services	Libraries	Local
Cullompton	Strategic green infrastructure including public parkland	Community	Local

(Proposed by Cllr R J Chesterton and seconded by Cllr Mrs N Woollatt)

**Reason for decision** – The Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019 which exercises the powers of Part 11 of the Planning Act 2008 requires in each calendar year a contribution receiving authority to publish an annual infrastructure funding statement. The first annual infrastructure funding statement must be published by 31 December 2020.

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

## 270. **COMMUNITY INFRASTRUCTURE LEVY (1-11-59)**

The Cabinet had before it a \*report of the Head of Planning, Economy and Regeneration considering options for the Mid Devon Community Infrastructure Levy in light of Government consultation proposals to reform the planning system in its White Paper and a recommendation to Council that the Mid Devon Community Infrastructure Levy draft Charging Schedule is withdrawn from examination and is no longer progressed.

The Cabinet Member for Planning and Economic Regeneration outlined the contents of the report stating that the Government was intent on making fundamental changes to the planning system. This included a proposal to replace the current twin regime of S106 planning obligations and Community Infrastructure Levy with a consolidated national Infrastructure Levy.

The introduction of the reforms would mean that should the Council continue with the examination of its submitted CIL draft charging schedule and progress this to adoption and implement, a CIL regime in Mid Devon would have a limited lifespan. Little if any CIL money was likely to be paid for the first two years, and calculations showed that forecast overall developer contributions through both a CIL and S106

planning obligations for open space for example may be about the same as the forecast potential total S106 planning obligations secured without a CIL in place.

The Council's CIL draft charging schedule and supporting documentation was submitted to the Planning Inspectorate in March 2017 for examination. In September 2019, changes were made to the CIL regulations which removed the restriction placed on the pooling of S106 planning obligations where this was previously a maximum of 5 per project or infrastructure type. The removal of this pooling restriction had given the Council greater flexibility in securing the contributions needed, including where there was no CIL charging schedule in place.

**RECOMMENDED** to Council that the Mid Devon Community Infrastructure Levy draft Charging Schedule be withdrawn from its examination and is no longer progressed

(Proposed by Cllr R J Chesterton and seconded by Cllr C R Slade)

**Reason for decision** – In light of updated circumstances and in anticipation of reform, there is now a need to decide whether to proceed with the Community Infrastructure Levy given the pending examination in public of the submitted draft charging schedule.

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

## 271. **LAND AT POST HILL, TO CONSIDER DEVELOPMENT OPTIONS (1-15-36)**

The Cabinet had before it a \*a report of Deputy Chief Executive (S151) providing options to progress the development of land at Post Hill, Tiverton.

The Cabinet Member for Housing and Property Services provided a response to the questions posed in public question time: he thanked Mr Quinn for his question and stated that he was quite right that a previous Cabinet decision provided for expenditure on advice regarding the possibilities of a Teckal-compliant company. That was why the wording of this evening's report did not assume that such an entity would exist in future and provided for a Cabinet decision to be made based on both possible outcomes.

So to answer Mr Quinn's specific questions; firstly the report was likely to be scheduled to come to Cabinet in January and he believed that the Council's forward plan was being published tomorrow (Friday) confirming this. And secondly, yes this would be listed as an open item.

He then outlined the contents of the report which provided background information with regard to the site and the need for financial diligence to protect the HRA, he felt that Option 4 would be the way forward.

Consideration was given to:

- The need for social housing as outlined in the Corporate Plan
- Funding streams for social housing
- The impact on the HRA
- The percentage of affordable housing on the whole site which was set at 21% and the viability issues which had lead to the figure

- The meaning of affordable housing
- The need for low carbon dwellings
- The housing need in the locality
- A proposal to use infill sites for social housing to be funded by the HRA across the district and not on one site (which would form another report to be presented to the Homes Policy Development Group and the Cabinet)
- Whether to consider a full tender exercise rather than consider the establishment of a Teckal compliant company
- Any Teckal company would be bound by procurement rules and the impact of Brexit on European procurement rules
- Further information required with regard to setting up a Teckal compliant company

**RESOLVED** that:

- 1) Authority be given to submit a planning application, subject to final design and based on:

(iii) Option 4- 70 Affordable Homes

(Proposed by Cllr R B Evans and seconded by Cllr D J Knowles)

- 2) In the event that Cabinet proceeds in future to establish a new company structure, which

- (i) is “Teckal” compliant; and
- (ii) appropriate for the delivery of social/affordable housing

the Cabinet agrees that delivery of the housing will be through that new company, subject to advice received when establishing the new company and any other material factors.

(Proposed by Cllr R B Evans and seconded by Cllr B A Moore)

- 3) Recommendation 3 within the report be withdrawn following the debate and approval of recommendation 2 and that a further report with regard to the tender exercise for Post Hill, Tiverton be brought before the Cabinet at a future meeting.

(Proposed by the Chairman)

**Reason for decision** – A decision was required on what level and mix of housing would be provided on the recently acquired Post Hill development site and then what would be the most appropriate delivery mechanism to bring this forward.

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

## 272. **FINANCIAL MONITORING (2-17-36)**

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

The Cabinet Member for Finance outlined the contents of the report stating that the financial information provided was to the end of September 2020. The Covid 19 pandemic had continued to have a significant impact on the financial performance of the Council following the first lockdown period. The report outlined the significant variances within the General Fund and that the forecasted General Fund deficit was expected to be approximately £20k.

Consideration was given to the agency costs to cover the vacant Group Manager for Finance post.

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

## **273. MEDIUM TERM FINANCIAL PLAN (2-20-50)**

The Cabinet had before it a \*report of the Deputy Chief Executive (S151) producing an updated Medium Term Financial Plan (MTFP) which takes account of the Council's key strategies (i.e. the Corporate Plan, Business Plans, Treasury Management Plan, Asset Management Plan, Work Force Plan and Capital Strategy) and demonstrates it has the financial resources to deliver the Corporate Plan. This models potential changes in funding levels, new initiatives, unavoidable costs and proposed service savings.

The Cabinet Member for Finance outlined the contents of the report stating that the main purpose of the MTFP was to show how the Council would strategically manage its finances over the next four financial years in order to support the delivery of the objectives within the Corporate Plan. He stated that we were in uncertain times and that there was huge uncertainty with regard to several funding streams. There were concerns with regard to the ability to balance the budget gap in 2021/22 and savings would need to be identified.

Consideration was given to:

- Whether now was the time to consider growing the commercial property base
- What plans were in place to set a balanced budget for 2021/22
- The public sector pay freeze
- Ideas that were discussed in a budget workshop at the beginning of 2020 would be considered further
- Whether strategic services would need to be cut and consultation that would take place with the public
- The need to consider the Climate Change Declaration and how work with regard to this could be prioritised

**RESOLVED** that the updated Medium Term Financial Plan be noted and the proposed outlined in paragraph 8.2 be endorsed.

(Proposed by the Chairman)

**Reason for decision** – There is a need to show that the Council will strategically manage its finances over the next four financial years in order to support the delivery of the pledges/objectives detailed in the Corporate Plan.



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

#### 274. **PERFORMANCE AND RISK (2-43-05)**

The Cabinet had before it a \*report of the Group Manager for Performance, Governance and Data Security providing Members with an update on the performance against the Corporate Plan and local service targets and any recommendations from the Policy Development Groups with regard to the Corporate Plan performance framework.

Consideration was given to:

- Houses in Multiple Occupation – the number of inspections that had taken place, how many of them had been compliant, how many required action and the number of licences issued or removed

**RESOLVED** that the report be **NOTED** and that the measures suggested for inclusion in the Corporate Plan Performance Framework be approved.

(Proposed by the Chairman)

**Reason for decision** – there is a need to approve the measures suggested to align performance with priorities and targets laid out in the Corporate Plan

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

#### 275. **SCHEDULE OF MEETINGS 2021-22 (2-48-35)**

The Cabinet had before it \* a schedule of meetings for the municipal year 2021/22.

**RECOMMENDED** to Council that the Schedule of Meetings for the 2021/22 municipal year be approved.

(Proposed by the Chairman)

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

#### 276. **NOTIFICATION OF KEY DECISIONS (2-51-50)**

The Cabinet had before it and **NOTED** its rolling plan \* for January 2021 containing future key decisions.

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

#### 277. **3 RIVERS DEVELOPMENT LTD - UPDATE REPORT (2-54-52)**

The Cabinet had before it and **NOTED** a \*report from the Chief Executive providing an update on current project performance and any key risks.

The Cabinet Member for Housing and Property Services stated that updated information was before the meeting for consideration and would continue to be presented on a monthly basis as agreed.



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

**278. EXECUTIVE FINANCE DIRECTOR AND NON EXECUTIVE DIRECTOR - 3 RIVERS DEVELOPMENTS LTD (2-54-27)**

The Cabinet had before it a \*report of the Chief Executive complying with the requirements of the recommendations agreed by the cabinet, Scrutiny and Audit Committees that new Directors be appointed to 3 Rivers Developments Ltd.

It was **RESOLVED** that:

- a) John Riley be appointed to the post of Financial Director
- b) Bill Yardley be appointed to the post of Non-Executive Director

(Proposed by Cllr B A Moore and seconded by Cllr R B Evans)

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

(The meeting ended at 8.58 pm)

**CHAIRMAN**

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**REPORT OF THE HEAD OF PLANNING, ECONOMY AND REGENERATION**

**FUTURE STRATEGIC PLANNING WORKING WITH EXETER CITY COUNCIL,  
EAST DEVON DISTRICT COUNCIL, TEIGNBRIDGE DISTRICT COUNCIL AND  
DEVON COUNTY COUNCIL**

**Cabinet Member(s):** Cllr Richard Chesterton, Cabinet Member for Planning & Economic Regeneration

**Responsible Officer:** Mrs Jenny Clifford, Head of Planning, Economy and Regeneration

**Reason for Report and Recommendations:** To set out options for future joint strategic planning arrangements with partner authorities in the Exeter Housing Market Area and Travel to Work Area. The recommendations sought are to agree a preferred approach.

**Recommendation:**

**That Cabinet recommends to Council to support in principle the production of a joint non-statutory plan, to include joint strategy and infrastructure matters, for the Greater Exeter area in partnership with Exeter, East Devon, Teignbridge and Devon County Councils. This will be subject to agreement of details of the scope of the plan, a timetable for its production, the resources required, and governance arrangements to be agreed at a later date.**

**Financial Implications:** The preparation of a joint non-statutory strategy and infrastructure plan would have associated production costs. However, such costs are likely to be significantly lower than those previously agreed for the production of the Greater Exeter Strategic Plan since there will be no need for a formal examination. As a collaboration between the four councils, the funding of this joint non-statutory plan will need to be shared by the four councils with a shared funding mechanism established once the scope and timetable has been agreed. Budgetary provision exists for the preparation strategic and other plans including the new Local Plan for Mid Devon through earmarked reserves. The cost of jointly prepared technical evidence would be shared between the partner councils.

**Budget and Policy Framework:** The likely cost for the production of a joint non-statutory strategy and infrastructure plan will need to be agreed at a later meeting, but is anticipated to be less than would have been the case for GESP and would be met through ear marked reserves set aside to support strategic planning. The Policy Framework consists of both statutory documents that have to be adopted or approved by the Council as well as locally determined policies and strategies. Once adopted, the non-statutory plan will agree a common approach for addressing key strategic cross-boundary issues.

**Legal Implications:** The production of a joint non-statutory plan addressing strategy and infrastructure matters would not have any direct legal implications as it would not

form part of the adopted development plan for the District. However, it will assist in discharging the requirements of the current Duty to Cooperate over cross-boundary planning matters as the Council progresses its next Local Plan.

**Risk Assessment:** If the Council approves the above recommendations then further agreement will be sought between the participating Councils on the scope and content of the joint non-statutory plan in due course. The proposed scope and content will be subject to additional risk assessment, but as a non-statutory plan, there would not be an examination process or the need to meet tests of soundness. Risks are likely to be over the joint nature of the plan now proposed, necessitating an agreed approach and content. The risks of not seeking to comprehensively address cross-boundary planning issues are considered to outweigh the risks of the recommended approach.

**Equality Impact Assessment:** No equalities impact at this stage. If the Council approves the above recommendations then the partner authorities will need to consider equality impacts associated with any proposals as the non-statutory plan progresses. The next local plan review will be accompanied by a full Equality Impact Assessment.

**Relationship to Corporate Plan:** A joint non-statutory strategy and infrastructure plan will establish a common approach for responding to key cross-boundary issues. It will therefore help deliver corporate plan priorities.

**Impact on Climate Change:** The preparation of joint plans is a key method for climate change mitigation and environmental protection, through appropriate policies and development strategy. Commitment to joint planning will give an opportunity to consider climate and strategic environmental matters at a more effective larger-than-local scale.

Involvement in joint strategic planning provides an opportunity to consider carbon emission and climate change impacts of development and transport over a wider area. Because of this, involvement in joint planning is likely to be beneficial to climate change policy compared with seeking to achieve carbon neutrality in just one district. The key impacts will arise from the specific strategy chosen, however, these implications will be addressed as joint plan-making is progressed.

## **1.0 Introduction**

- 1.1 The purpose of this report is to present options for alternative joint strategic planning approaches. The report recommends that joint strategic planning should continue in the form of a non-statutory joint plan prepared by the four authorities of East Devon, Exeter, Mid Devon and Teignbridge Councils, in partnership with Devon County Council.

## **2.0 Background**

- 2.1 On 22<sup>nd</sup> February 2017, Full Council resolved to prepare a strategic plan (GESP) covering the Exeter Housing Market Area and travel to work area in partnership with East Devon, Exeter and Teignbridge Councils with the support of Devon County Council. Since this time, the partner authorities have worked collectively to produce evidence for the plan and prepared a Draft Plan which

was brought to the relevant committees of each authority in the summer of 2020 to seek approval for consultation.

2.2 At the meeting of Council on 26<sup>th</sup> August 2020, Mid Devon District Council resolved to:

1. Commit to prepare a revised joint strategic plan;
2. Should Officers subsequently advise that 1. proves not to be the most appropriate option in planning terms, consider a review of other options for further strategic and cross-boundary planning matters with willing participatory authorities in the Exeter Housing Market Area;
3. Instruct officers to review and incorporate relevant elements of the GESP Draft Policies and Site Options consultation document and other supporting documentation and evidence that remain valid;
4. Jointly prepare necessary technical studies and evidence for the new strategic plan, including conducting a further call for sites process?, align monitoring and share resources where there are planning and cost benefits for doing so;
5. Reaffirm the Council's commitment to the delivery of high quality development, a Culm Garden Village as part of the Garden Communities Programme and continue to work collaboratively as a group of Councils in the garden communities programme with Homes England;
6. Task Officers to prepare a further report on staff resources to prepare a revised joint strategic plan with resources to be provided equitably to the team through equalisation arrangements; and
7. Task Officers to bring forward the preparation of the next Local Plan Review.

On the 23<sup>rd</sup> July, East Devon District Council's Strategic Planning Committee resolved to recommend to their Council that EDDC withdraw from working on the GESP while making a commitment to continue to work with the partner authorities. This recommendation was then agreed at their Council on 29<sup>th</sup> August.

2.3 Since that time discussions have continued between Leaders and relevant portfolio holders/executive members on alternative options for continuing partnership working outside of GESP. Discussions have focussed on the common issues that bring the partner authorities of East Devon, Exeter, Mid Devon and Teignbridge together, in conjunction with the County Council which previously fulfilled a supporting role. These common issues are primarily that the area is a single housing and functional economic area which also operates as a large travel to work area. The wider area also faces common issues; housing affordability and the need to deliver greater numbers of homes; constraints on infrastructure and limits to the availability of funding; the need for a flexible and efficient transport system which supports prosperity and access to services; the need to respond to the climate emergency, achieve net zero

carbon development and increase habitat creation; and the need to improve accessibility for urban and rural areas by widening digital connectivity. These vital issues affect the whole area and therefore can be effectively considered in a strategic, cross-boundary manner.

### **3.0 Benefits of continued joint strategic planning**

- 3.1 While there are real-life, practical reasons for collaboration, the need to work together effectively is currently supported by the Duty to Cooperate, a legal duty in plan preparation. Although the Planning White Paper is considering the abolition of the Duty, this is some time from being removed in practice. The White Paper is also clear in identifying the on-going need to cooperate on significant matters such as infrastructure provision and central government has confirmed it is giving this further thought.
- 3.2 Turning to delivery, discussions with Homes England have shown the importance of demonstrating common aspirations, priorities and approaches to current issues when seeking funding. Joint working will be vital to help lever in this funding to support delivery, particularly regarding critical, strategic infrastructure with wide-spread benefits and where there is a large funding gap. Such an approach would help to establish a recognisable brand reflecting a tangible and clear location which would be received favourably by the Government.
- 3.3 In practical, plan-making terms, there are also significant benefits in working together because collaboration enables evidence to be commissioned jointly, expertise to be shared and effort focussed flexibly. It also provides the opportunity to seek funding or work jointly with agencies such as Homes England on plan-preparation (e.g. by sharing evidence) which could have financial and consistency benefits.

### **4.0 Options**

- 4.1 The Project Assurance Group (comprised of the Heads of Planning from the partner authorities) have identified six options for future joint working. A summary of these is provided in Table 1. The options range from continuing to prepare a joint statutory plan, to the bare minimum requirement of meeting our Duty to Cooperate obligations whilst preparing individual Local Plans. A detailed appraisal of these options is provided in **Appendix 1**.
- 4.2 Although in purely technical planning terms the options which include statutory joint plans and strategies would be preferred, it is considered that these are unlikely to be politically acceptable for all authorities in the current period post-GESP and taking forward such a plan without all of the partners from the sub-region would undermine the status of a statutory document and risk the soundness of the plan. This means that options 5 and 6 in Table 1 are unlikely to be deliverable.
- 4.3 It is considered that there is a clear need for joint working if we are to successfully address the shared issues the partner authorities face and lever in the infrastructure funding needed. Therefore undertaking a more co-ordinated

approach than simply complying with the Duty to Co-operate is considered essential. On this basis, option 1 would not be sufficient to meet the collective Councils' objectives.

4.4 As such, in order to effectively address the strategic cross-boundary issues set out in 2.3, to demonstrate proactive joint working on strategic infrastructure delivery, and to have a solution which is likely to be politically acceptable to all partners, it is necessary to explore a middle ground scenario. In this case, the middle ground is the preparation of a non-statutory strategy which would ensure that there is a shared approach to strategic matters such as economic development, carbon reduction, digital connectivity, infrastructure delivery and habitats mitigation whilst enabling the individual local planning authorities to retain control over the timetable and scope of statutory Local Plans. Option 4 provides the best scenario for achieving this.

4.5 The following options have been considered. A full appraisal is available in **Appendix 1**.

Option	Scope	Comments
1. Baseline: Each LPA progresses its own Local Plan and works with the other LPAs to meet Duty to Co-operate (or replacement)	Determined by each LPA (*).  Could include some joint evidence on defined topics as has happened in the past (e.g. housing, gypsy and travellers, habitat mitigation, transport)	Minimum opportunity to agree a positive planning framework for critical issues and to lever in central government funding.  Maximum opportunity to prepare an unencumbered Local Plan review.
2. Each LPA progresses its own Local Plan and works to meet the DtC. Local Plans include model strategic policies (*) and are informed by shared evidence where appropriate.	Similar to option 1, but with model policies that can be adapted to suit local circumstances and limited in scope to cross-boundary matters (e.g. climate change) (*).	Some opportunity to have a shared approach towards common issues but unlikely to sufficiently demonstrate a collective approach to attract central government support for infrastructure delivery.
3. Non-statutory Joint	Government-facing document aimed at securing funding to deliver	Would provide a co-ordinated planned response to the area's infrastructure priorities

Infrastructure Plan	<p>infrastructure needed to support growth.</p> <p>This could just be growth identified in adopted Local Plans and/or growth proposed in emerging plans.</p> <p>As a non-statutory plan it would not be subject to statutory consultation or examination and therefore would be a faster and more flexible plan.</p>	<p>and help to secure central government investment. However, without an overarching strategy to hang the plan on, it could lack ambition and a shared understanding of strategic issues.</p> <p>As a non-statutory plan it would not be subject to statutory consultation or examination and therefore would be faster to prepare and more able to respond to changing circumstances.</p>
4. <b>Non-statutory joint strategy and infrastructure plan</b>	<p>Place-making, aspirational non-statutory plan covering strategic place making and infrastructure delivery.</p> <p>Used to promote the Garden Communities and sub-regional brand, in addition to identifying infrastructure requirements.</p> <p>Part Government-facing document and part strategy document.</p>	<p>Would provide a co-ordinated response to the area's strategic economic, climate, housing, environmental and infrastructure issues and help to secure central government investment.</p> <p>As a non-statutory plan it would not be subject to statutory consultation or examination and therefore would be faster to prepare and more able to respond to changing circumstances.</p>
5. Statutory joint strategy and infrastructure plan	<p>High-level statutory plan containing strategic policies and infrastructure requirements. This would essentially be the equivalent to GESP, but without East Devon.</p> <p>Matters/sites not covered in the strategic plan will be covered in Local Plans.</p>	<p>Would provide a co-ordinated response to the area's strategic economic, climate, housing, environmental and infrastructure issues and help to secure central government investment, with added weight because it would be in a statutory plan.</p> <p>Given recent decisions made by East Devon District Council it is unlikely that this option will be politically acceptable.</p>



6. Full statutory joint plan	<p>A statutory plan containing strategic and local policies, infrastructure requirements and all site allocations.</p> <p>There would be no Local Plans prepared by individual LPAs.</p>	<p>Would provide a co-ordinated response to the area's strategic economic, climate, housing, environmental and infrastructure issues and help to secure central government investment, with added weight because it would be in a statutory plan.</p> <p>Given recent decisions made by East Devon District Council it is unlikely that this option will be politically acceptable.</p> <p>Perceived loss of local control over more locally relevant policies.</p>
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(\*) Comments are caveated by the Government's proposals in the recent Planning White Paper.

*Table 1: Options for Joint Strategic Plan Making*

## 5.0 Resourcing future joint planning

5.1 At this stage, this report seeks an 'in principle' agreement to proceed with a non-statutory infrastructure and strategy plan based on option 4 in Table 1 with details relating to budget, detailed scope, and governance reserved for discussion at a later date. However, it should be noted that any resource required for option 4 will be less than was previously committed for GESP. This is due to the fact that a non-statutory plan:

- Would not be subject to statutory consultation arrangements or a public examination. Costs for the examination would have been in the region of £150,000 to be split across the 4 authorities and is not currently within the GESP budget;
- Would not include details relating to development sites which would have required extensive site investigation work and masterplanning (NB. it should be noted however that this work will have to be picked up as part of the Local Plans of each Council);
- Can draw on the significant amount of evidence already collected as part of the GESP project. Additional evidence may be required to support the non-statutory plan but would not be above and beyond what would have been required for the GESP;
- Is likely to require less staffing resource than the preparation of a statutory plan.

## **6.0 Views of the Planning Policy Advisory Group**

- 6.1 The Planning Policy Advisory Group was consulted at its meeting on 18<sup>th</sup> November 2020. The following matters were raised by Members: the reference to 'Greater Exeter' and whether this description is appropriate going forward; the scope of the objectives and content of the strategy; the timetable for production and relationship with the production of a new local plan for Mid Devon; the need for meaningful public engagement.
- 6.2 The Planning Policy Advisory Group supported the recommendations of this report.

## **7.0 Conclusion and proposed future joint strategic planning approach**

- 7.1 Having considered the various merits and risks associated with each of the options, it is recommended that a non-statutory joint strategy and infrastructure plan is prepared alongside a Local Plan for Mid Devon, in order to address the vital issues that affect the whole of the sub-region.
- 7.2 Each of the partner authorities will be taking a similar report through their relevant committees in the next few months to seek agreement on this revised joint planning approach.

### **Contact for more Information:**

Arron Beecham, Forward Planning Officer [abeecham@middevon.gov.uk](mailto:abeecham@middevon.gov.uk) / 07815 803758

Tristan Peat, Forward Planning Team Leader [tpeat@middevon.gov.uk](mailto:tpeat@middevon.gov.uk) / 07967 179669

Jenny Clifford, Head of Planning, Economy and Regeneration  
[jclifford@middevon.gov.uk](mailto:jclifford@middevon.gov.uk)

**Circulation of the Report:** Cabinet Member seen and approved [yes/no – name of Cabinet Member], Cabinet, Leadership Team seen and approved [yes/no]

### **List of Background Papers:**

## **Appendix 1: Joint Planning Options Appraisal Matrix**

## Appendix 1

### Joint planning options appraisal matrix

Option	Scope	Timetable	Resources	Pros	Cons	Comments
1.  Baseline: Each LPA progresses its own Local Plan and works with the other LPAs to meet Duty to Co-operate (or replacement)	Determined by each LPA (*).  Could include some joint evidence on defined topics as has happened in the past (e.g. housing, gypsy and travellers, habitat mitigation, transport)	Determined by each LPA (*).	Determined by each LPA.  No sharing of resources (although could allow for procurement of shared evidence where considered appropriate).	Greater political certainty than joint-working options.  No need for joint Governance.  LPA only needs to fund a Local Plans team.  Timescale fully under control of the LPA and can reflect how far it has progressed to date.  LPA only has to resource 1 Examination (Local Plan).  Most likely the quickest route to achieving an adopted Plan for each LPA for the purpose of meeting housing needs, securing a 5 year supply of deliverable housing sites, and having up to date policies on key matters such as climate	No opportunity to agree a positive planning framework for cross-boundary planning matters, e.g. climate change, biodiversity net gain, digital connectivity and transport (*).  Reliant on DtC to address strategic cross boundary issues (*).  The option least likely to attract Gov't /Homes England support for housebuilding / infrastructure delivery.  Minimum opportunity to attract external funding for studies / evidence base required to support the Local Plan.  Procurement of evidence by individual LPAs likely to be less efficient	Minimal joint working, including no joint strategic planning (although possibility to implement alongside options 3 and 4). Therefore the implications of taking a strategic boundary blind approach towards meeting housing needs would not be felt. Also, no opportunity to 'spread' any potential housing need asks made by neighbouring

Option	Scope	Timetable	Resources	Pros	Cons	Comments
				change, carbon reduction etc.		authorities (e.g. Torbay).
2.  Each LPA progresses its own Local Plan and works to meet the DtC. Local Plans include model strategic policies (*) and are informed by shared evidence where appropriate.	Similar to option 1, but with model policies that can be adapted to suit local circumstances and limited in scope to cross-boundary matters (e.g. climate change) (*).	Similar to option 1, but will require an element of common Local Plan timescales across the LPAs, with agreement on model policies to meet those timescales (*).	Determined by each LPA.  No sharing of resources (although could allow for procurement of shared evidence where considered appropriate).  Model policies will require some form of joint working.	Opportunity to agree a positive framework for cross-boundary matters like climate change, biodiversity net gain, digital connectivity and transport. Could therefore satisfy many DtC requirements (*). Model wording would not be binding on any LPA.  Greater political certainty than other joint-working options.  No need for joint Governance.  LPA only needs to fund a Local Plans team.  LPA only needs to resource one Examination (Local Plan).  Compared to option 1, provides greater scope for attracting external funding for studies /	Reliant on DtC to address strategic cross boundary issues (*).  Potential for the model policies to be diluted and amended away from the common elements.  Questionable if this will demonstrate a collective approach sufficient to attract Gov't /Homes England support for housebuilding / infrastructure delivery.  Timescale less under the control of the LPA than option 1 and may not reflect how far it has progressed to date in its Local Plan review.	No comprehensive joint strategic planning (although possibility to implement alongside options 3 and 4). The implications of taking a strategic boundary blind approach towards meeting housing needs would not be felt. Also, no opportunity to 'spread' any potential housing need asks made by neighbouring authorities (e.g. Torbay).

Option	Scope	Timetable	Resources	Pros	Cons	Comments
				<p>evidence base required to support the Local Plan.</p> <p>Potential for procuring shared evidence, which may result in efficiency savings.</p> <p>Model policies on key matters may result in less developer confusion (*).</p> <p>Model policies / S106 requirements may reduce opportunity for developers to 'take advantage' of individual LPAs (*).</p>		
3.  Non-statutory Joint Infrastructure Plan (all 4 LPAs)	<p>Government-facing document aimed at securing funding to deliver infrastructure needed to support growth.</p> <p>This could just be growth identified in adopted Local</p>	<p>Could be undertaken outside of formal Local Plan timetables if only covering growth in adopted Local Plans. Could be prepared more quickly than a</p>	<p>Determined by each LPA, although will require some form of joint working. Would need specific DCC involvement.</p> <p>Potential to be led by DCC.</p>	<p>Fewer joint governance pressures than options 4-6.</p> <p>Provides a co-ordinated planned response to the area's infrastructure aspirations and constraints.</p> <p>Confirms common aspirations for proactive infrastructure delivery linked to development proposal without the</p>	<p>Still reliant on DTC to address some strategic cross boundary issues (*).</p> <p>If LPAs want the joint plan to cover growth proposed in emerging plans, the timescale will rely on individual Local Plan timescales. These may vary across LPAs.</p> <p>Potential difficulties of preparing a joint</p>	<p>A non-statutory document, therefore fundamentally different to GESP.</p> <p>Can work alongside options 1 or 2.</p>

Option	Scope	Timetable	Resources	Pros	Cons	Comments
	<p>Plans and/or, growth proposed in emerging plans.</p> <p>Could cover all strategic infrastructure, or just DCC infrastructure. Could be prepared by DCC, although would need a level of buy-in from the LPAs in order to secure external funding. Geographic scope would need consideration if prepared by DCC.</p> <p>May need an associated governance regime</p>	statutory plan.		<p>difficulties of joint plan making.</p> <p>Could be successful in securing Gov't / Homes England funding for infrastructure (e.g. the Kent and Medway Growth and Infrastructure Framework<sup>1</sup>.</p> <p>Opportunity for a Devon-wide Infrastructure Plan with sub-sections focussing on different areas of Devon to avoid 'watering down' the sub-regional branding.</p> <p>Budget support from LPAs would be significantly less than existing GESP budget requirements.</p> <p>Although challenging, this provides an opportunity for some form of infrastructure prioritisation which improves the</p>	<p>infrastructure plan without a cogent joint strategy to hang it on.</p> <p>An infrastructure plan that only sets out infrastructure funding requirements for 'already planned' growth may not demonstrate a collective and ambitious approach sufficient to attract Gov't /Homes England support for housebuilding / infrastructure delivery unless some form of prioritisation is undertaken which could be challenging.</p> <p>An Infrastructure Plan that sets out infrastructure funding requirements for planned and emerging growth will require a greater degree of joint governance.</p>	

<sup>1</sup> Latest Kent and Medway Framework can be viewed here: [https://www.kent.gov.uk/\\_data/assets/pdf\\_file/0018/80145/GIF-Framework-full-document.pdf](https://www.kent.gov.uk/_data/assets/pdf_file/0018/80145/GIF-Framework-full-document.pdf).

Option	Scope	Timetable	Resources	Pros	Cons	Comments
	covering funding prioritisation.			deliverability of key projects.		
4.  Non-statutory joint strategy and infrastructure plan	<p>Place-making, aspirational non-statutory plan covering strategic growth and infrastructure.</p> <p>Used to promote the Garden Communities and sub-regional brand, in addition to identifying infrastructure requirements.</p> <p>Part Government-facing document and part strategy document.</p>	Prepared alongside Local Plan preparation. The strategy elements would be likely to increase the time required to deliver the project when compared with option 3.	Small project team of officers from the LPAs / DCC required.	<p>Allows for more effective strategic and infrastructure planning and would be more likely to attract Gov't / Homes England funding than options 2 and 3.</p> <p>Provides a co-ordinated planned response to the area's strategic growth and infrastructure aspirations and constraints (more so than 2 and 3).</p> <p>Opportunity to agree a positive framework for cross-boundary matters like climate change, biodiversity net gain, digital connectivity, transport and development needs. Could therefore satisfy a number of DtC requirements (more so than 2/3) (*)</p>	<p>Will require Local Plans to be adopted before aspirations in the plan can be enforced.</p> <p>Relies on decision-making across multiple Councils for key strategic matters. Therefore potentially more politically risky than options 2 and 3).</p> <p>Risks diverting resources away from statutory plan preparation.</p> <p>Non-binding on each Council and at risk of not being followed.</p>	<p>A non-statutory document, therefore fundamentally different, to GESP.</p> <p>Can work alongside option options 1 and 2.</p>

Option	Scope	Timetable	Resources	Pros	Cons	Comments
				<p>Will identify and help to prioritise common infrastructure requirements</p> <p>Budget support likely to be less than existing GESP budget support.</p> <p>Can be prepared alongside Local Plans.</p> <p>Can be used to promote the Garden Cities.</p> <p>Potential for procuring shared evidence, which would result in efficiency savings.</p> <p>DCC likely to be able to continue supporting the plan's preparation.</p>		
5.  Statutory joint strategy and infrastructure plan	<p>High-level statutory plan containing strategic policies and infrastructure requirements.</p> <p>From the outset, LPAs</p>	<p>Will need to be adopted in advance of Local Plans.</p> <p>Timetable would need to be jointly agreed.</p>	<p>Will require a dedicated team of officers from the LPAs / DCC. It is likely that additional LPA resource will be needed, as set out in the GESP Options</p>	<p>Allows for more effective strategic and infrastructure planning and is more likely to attract Gov't / Homes England funding than options 2/3/4.</p> <p>Provides a co-ordinated planned response to the area's strategic growth</p>	<p>Unlikely to be politically viable at the present stage, given EDDC's Council decision.</p> <p>This option is most inconsistent with the White Paper proposals. E.g. two-tier planning may be inconsistent with</p>	<p>Same status as GESP. However, scope may differ due to the potential omission of site allocations.</p>



Option	Scope	Timetable	Resources	Pros	Cons	Comments
	<p>will need to agree:</p> <ul style="list-style-type: none"> <li>- If the plan will include strategic site allocations or growth areas;</li> <li>- If the housing requirement will be planned for on a boundary-blind basis;</li> <li>- If a joint 5YLS? will operate*.</li> </ul> <p>Matters/sites not covered in the strategic plan will be covered in Local Plans.</p>		<p>Consultation Committee paper.</p>	<p>and infrastructure aspirations and constraints (more so than 2/3/4).</p> <p>Opportunity to agree a positive framework for cross-boundary matters like climate change, biodiversity net gain, digital connectivity, transport and development requirements. Could therefore satisfy many DtC requirements (more so than 2/3/4) (*)</p> <p>Will identify and help to prioritise common infrastructure requirements</p> <p>Budget support likely to be equal to or less than existing GESP budget support.</p> <p>Can be used to promote the Garden Cities.</p> <p>Would require some shared evidence, which</p>	<p>zoning proposals. It therefore presents the greatest risk of abortive work.</p> <p>Relies on decision-making across multiple Councils for key strategic matters across all four LPAs.</p> <p>If the plan did not allocate sites it may be of limited value as a statutory document</p> <p>Any timetable delays will potentially affect the timetables of Local Plans.</p> <p>Will require the preparation of another Regulation 18 plan, which is likely to involve at least another 6 months.</p> <p>Greater budgetary requirements for the LPAs than options 2, 3, and 4.</p>	<p>Opportunity to introduce district housing targets to help overcome political concerns over boundary blind approach.</p>

Option	Scope	Timetable	Resources	Pros	Cons	Comments
				would result in efficiency savings.  DCC likely to be able to continue supporting the plan's preparation.		
6.  Full statutory joint plan (all 4 LPAs)	<p>A statutory plan containing strategic and local policies, infrastructure requirements and all site allocations.</p> <p>From the outset, the LPAs will need to agree:</p> <ul style="list-style-type: none"> <li>- If the housing requirement will be planned for on a boundary-blind basis;</li> <li>- If a joint 5YLS ?will operate.</li> </ul>	<p>A single timetable for a single plan.</p> <p>Timetable would need to be jointly agreed.</p>	<p>The 4 LPAs will pool their existing Local Plans teams, ideally also with resource input from DCC.</p> <p>One plan would offer significant efficiencies in terms of evidence costs</p>	<p>It is technically achievable – e.g. Plymouth and South West Devon Joint Local Plan and North Devon and Torridge Local Plan.</p> <p>Potential for significant skills / resource sharing benefits, through the pooling of existing staff.</p> <p>Of all the options, this will provide the most co-ordinated and comprehensive planned response to the area's strategic growth and infrastructure aspirations and constraints.</p> <p>This option will demonstrate to Gov't / Homes England the greatest level of ambition and collaboration on planning matter. It's</p>	<p>Unlikely to be politically viable at the present stage, given EDDC's Council decision.</p> <p>Relies on decision-making across multiple Councils for key strategic matters across all four LPAs.</p> <p>Potential for perceived loss of individual LPA control.</p> <p>Potential for abortive work, as may find that the plan boundaries don't coincide with possible future unitary boundaries.</p>	<p>Same statutory status as, but significantly greater scope than, GESP.</p> <p>Opportunity to introduce district housing targets to help overcome political concerns over boundary blind approach.</p> <p>Potential to consider single plan without the need for district local plans, particularly if the Government reforms establish a national set of development</p>

Option	Scope	Timetable	Resources	Pros	Cons	Comments
				<p>therefore most likely to attract funding and support for delivery.</p> <p>This presents the greatest opportunity to deliver a positive framework for cross-boundary matters like climate change, biodiversity net gain, digital connectivity, transport and development requirements. It will satisfy all DtC requirements within the sub-region (*).</p> <p>Will identify and help to prioritise common infrastructure requirements.</p> <p>Can be used to promote the Garden Cities.</p> <p>Requires procuring shared evidence, which would result in efficiency savings.</p>		management policies.

Option	Scope	Timetable	Resources	Pros	Cons	Comments
				Isn't contrary to Government thinking in White Paper.		

**REPORT OF THE HEAD OF PLANNING, ECONOMY AND REGENERATION**

**MID DEVON COMMUNITY INFRASTRUCTURE LEVY**

**Cabinet Member(s):** Cllr Richard Chesterton, Cabinet Member for Planning & Economic Regeneration  
**Responsible Officer:** Mrs Jenny Clifford, Head of Planning, Economy and Regeneration

**Reason for Report and Recommendations:** To consider options for the Mid Devon Community Infrastructure Levy in light of Government consultation proposals to reform the planning system in its White Paper and a recommendation to Council that the Mid Devon Community Infrastructure Levy draft Charging Schedule is withdrawn from examination and is no longer progressed.

**RECOMMENDATION:**

**That Cabinet recommends to Council that:**

**The Mid Devon Community Infrastructure Levy draft Charging Schedule is withdrawn from its examination and is no longer progressed**

**Financial Implications:** Withdrawal of the Mid Devon Community Infrastructure Levy (CIL) draft charging schedule will mean it will no longer be examined by an Independent Inspector, and capable of being adopted by the Council as a means to secure monies towards the provision of infrastructure in the district. The Council will continue to be able to seek developer contributions, as currently is the case, through S106 planning obligations.

**Budget and Policy Framework:** None directly.

**Legal Implications:** There is no legal requirement for the Council to adopt and implement a CIL for Mid Devon.

**Risk Assessment:** The Government has indicated in the White Paper of August 2020 'Planning for the Future' an intent to replace the existing arrangements for developer financial contributions via both S106 agreements and CIL. These proposals are subject to consultation. There is a risk associated with a decision to withdraw the Council's CIL draft charging schedule from its examination without the certainty of knowing what the Government's reforms will be to the current system of CIL and planning obligations. However this must be weighed against a draft charging schedule that was submitted in March 2017, and examination during unprecedented current economic uncertainty and if brought into force, a likely short lifespan in the face of reform.

The previous approach to seek to adopt a CIL charging schedule was undertaken at a time where there were pooling limits to the use of S106 agreements. These pooling limits prevented use of more than five obligations to fund the same infrastructure by

project or infrastructure type with the consequential problems in funding and hence delivering infrastructure. These pooling limits have now been lifted.

**Equality Impact Assessment:** There are no equalities impacts identified.

**Relationship to Corporate Plan:** The continued use of S106 planning obligations can provide the means for the Council to help fund affordable housing and infrastructure where these are priorities in the Corporate Plan 2020-2024.

**Impact on Climate Change:** There are no direct impacts on climate change identified. Developer contributions are a method by which the impact of development is mitigated, such impact also being in terms of climate change and sustainability, for example through financial contributions towards footpaths, cycle routes and public transport provision.

## **1.0 Introduction and background**

### *S106 planning obligations and Community Infrastructure Levy*

- 1.1 There are several ways in which a Local Authority can require a developer to contribute towards infrastructure. This is so as to help with the impact of development and make it acceptable in planning terms.
- 1.2 Planning obligations can be sought in accordance with Section 106 of the Town and Country Planning Act 1990. These planning obligations are a legal agreement between the applicant seeking planning permission and the local planning authority.
- 1.3 Local Authorities can also secure funding towards infrastructure through a Community Infrastructure Levy (CIL). The CIL is a flat rate and non-negotiable charge which can be levied on new development in their area and it is a mechanism to use to help deliver the infrastructure needed to support development in their area. The CIL can only apply in areas where a local authority has consulted on, and approved, a charging schedule which sets out its levy rates and has published the schedule on its website
- 1.4 The legislation for the CIL is set nationally through the “The Community Infrastructure Levy Regulations 2010” and subsequent amendments made to these regulations, including “The Community Infrastructure Levy (Amendment) Regulations 2015” and “The Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019”.
- 1.5 The Community Infrastructure Levy Regulations 2010 (Regulation 123) introduced a ‘pooling’ mechanism to encourage the adoption of a CIL by local authorities and a move away from securing infrastructure through planning obligations. From 1<sup>st</sup> April 2015 Regulation 123 limited the pooling of contributions to deliver infrastructure from Section 106 agreements to a maximum of 5 per project or infrastructure type. This ‘pooling’ mechanism was removed by The Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019 which came into force on 1<sup>st</sup> September 2019. This change has given local authorities greater flexibility in securing the

contributions needed, including where there is no CIL charging schedule in place.

#### *Mid Devon Draft Charging Schedule*

- 1.6 There is currently no CIL in place in Mid Devon and planning obligations are secured through Section 106 agreements. However, the Council has sought to introduce a CIL to secure funding for infrastructure in the district.
- 1.7 The Council on 1<sup>st</sup> December 2016 adopted the recommendations of Cabinet on 21<sup>st</sup> November 2016 (minute 97) to approve a draft CIL charging schedule for consultation, with delegated authority given to the Head of Planning and Regeneration in consultation with the Cabinet Member for Planning to agree and submit this to Secretary of State for examination.
- 1.8 The draft CIL Charging Schedule for Mid Devon is intended to supplement rather than replace other infrastructure funding streams, in a regime where from 1<sup>st</sup> April 2015 there was a national restriction on the pooling of S106 planning obligations. The introduction of this pooling limit to the use of S106 agreements in 2015 was one of the main drivers for this Council subsequently preparing a CIL charging schedule.
- 1.9 The CIL charging area covers the whole of the district, excluding the part situated within the Dartmoor National Park, but with two Charging Zones with different charging rates. In Charging Zone 1, which consists of the strategic sites: urban extensions at Tiverton East, Cullompton North West, Cullompton East, and the Tourism, Leisure and Retail site at J27(M5) allocated in the adopted Local Plan, there will be a zero charge (£0 per square metre gross internal floor space of chargeable development). For these sites, S106 was proposed to continue as the mechanism to fund and secure infrastructure. Zone 2 covers the remainder of the planning authority's area, and chargeable rates are set ranging from £0 to £100 per square metre depending on location and type of development. The draft CIL Charging Schedule sets out which types of new development need to pay CIL and which types of development are exempt or gain relief from paying CIL. A Regulation 123 List sets out the Council's priorities for spending CIL and makes clear that the Council will not require Section 106 contributions for any infrastructure project or type that is included on the Regulation 123 List for funding in part or in whole through CIL.
- 1.10 At the time of preparing and approving the draft CIL Charging Schedule it was forecast that the introduction of CIL at the rates recommended would produce an income of about £9.5m over the remaining period of the local plan (up to 2033).
- 1.11 In accordance with the Localism Act 2011 and the CIL Regulations, a portion of CIL receipts (the 'neighbourhood portion') are passed directly to those Parish and Town Councils where development has taken place (Regulation 59A). The spending priorities for the 'neighbourhood portion' are determined locally by the Parish or Town Council and are not included within Mid Devon's Regulation 123 List. Normally the 'neighbourhood portion' is 15% of the relevant CIL receipts (subject to an annual limit, see Regulation 59A(7)). However, areas that draw up a neighbourhood plan or neighbourhood

development order (including a community right to build order), and secure the consent of local people in a referendum, benefit from 25% of the levy revenues arising from the development that takes place in their area. This 25% portion of the levy is not subject to an annual limit. For the higher neighbourhood portion to apply, the neighbourhood plan or order must have been 'made' before a relevant planning permission or order first permits development.

*Examination of the Mid Devon draft charging schedule for the Community Infrastructure Levy*

- 1.12 The Council submitted its CIL draft charging schedule and supporting documentation to the Planning Inspectorate on 31<sup>st</sup> March 2017 for its examination, together with the Proposed Submission Mid Devon Local Plan Review 2013 – 2033 (Local Plan Review).
- 1.13 The Planning Inspectorate appointed Mr Griffiths for the purpose of examining both the CIL draft charging schedule and the Local Plan Review. During the course of the examination of the Local Plan Review the Inspector advised the Council that he would not progress the examination of the CIL draft charging schedule until he had concluded the examination of the Local Plan Review.
- 1.14 The examination of the Local Plan Review concluded with the receipt of the Inspector's report on 26<sup>th</sup> June 2020. The Council proceeded to adopt the Local Plan Review with the Inspector's recommended main modifications and additional minor modifications on 29<sup>th</sup> July 2020.
- 1.15 The examination of the CIL draft charging schedule currently remains in abeyance.
- 1.16 The Inspector has indicated to the Council that given the start of the CIL examination has had to await the completion of the examination into the Local Plan Review, the documentation relating to the CIL examination is of some vintage. The most recent documentation that the Council submitted to the Inspector for the CIL examination was the CIL viability update (June 2018). The Inspector has sought confirmation that the documentation does not require any revisiting or updating as far as the Council is concerned. Officers have advised the Planning Inspectorate that this matter is being considered, together with the potential implications that may arise from the Government's consultation on reforms to the planning system and a new national levy to replace the current system of developer contributions. The timing of these reforms could have implications for the introduction of a CIL in Mid Devon. Further uncertainty is also now introduced in terms of examination during unprecedented current economic conditions.
- 1.17 The Inspector is awaiting a further update from the Council. This is an opportunity to review and revisit whether the Council still considers there is a case to continue with CIL, or whether circumstances have changed to the extent that it is no longer appropriate to do so.



## **2.0 Proposed planning reforms and the need to review the Community Infrastructure Levy**

- 2.1 On 6<sup>th</sup> August 2020 the Government published its White Paper “Planning for the Future” for consultation. This has been the subject of a report considered by the Cabinet on 1<sup>st</sup> October and the Council’s response to the consultation has been submitted.
- 2.2 The White Paper sets out proposals for a consolidated ‘Infrastructure levy’ that will replace the current twin regime of S106 planning obligations and CIL. The new consolidated Infrastructure Levy could either be charged as a fixed proportion of the development value above a threshold, with a mandatory nationally-set rate or rates and the current system of planning obligations abolished.
- 2.3 The White Paper includes an alternative option where the Infrastructure Levy could remain optional and area specific rates set nationally, or rates set locally by individual local authorities. However, as planning obligations would be consolidated into the single Infrastructure Levy and local authorities would not be able to use S106 planning obligations to secure infrastructure or affordable housing, the Government anticipates a significantly greater update.
- 2.4 The Government’s intent to review the Community Infrastructure Levy has introduced uncertainty about how local authorities may be able to secure funding in the future from development to help pay for infrastructure and affordable housing. This uncertainty needs to be weighed up in relation to the examination of the Council’s draft CIL charging schedule and benefits from bringing this regime into effect.
- 2.5 Indications from the White Paper are that the scope of the intended reform of the systems of developer contributions goes beyond amendment. Instead replacement of the existing systems is proposed. This leads to the conclusion that the introduction of CIL charging in Mid Devon is likely to be short-lived pending that reform.

## **3.0 Appraisal of options**

- 3.1 Officers have undertaken an appraisal of the options available to the Council. These options are considered to be:
  - 1a. Continue with CIL examination, progress to adoption and implement
  - 1b. Continue with CIL examination and reconsider approach following receipt of Inspector’s report
  2. Withdraw the CIL draft charging schedule from examination and do not pursue a CIL for Mid Devon
  3. Put a CIL on hold – don’t proceed with the examination at this stage and reconsider in 6 months

This appraisal is detailed in the following table, where the justification, advantages and disadvantages of each option are set out.

Option 1a	Continue with the CIL examination and progress to adoption and implement	<p><u>Justification</u></p> <p>This is the current route approved by Council</p> <p>Can help provide greater certainty to the development industry</p> <p>Expectation by Neighbourhood Planning groups of a neighbourhood portion of the CIL</p> <p><u>Advantages</u></p> <p>Route to the earliest practicable implementation of a CIL</p> <p>A Mid Devon CIL could be brought into effect by mid-2021. Potential forecast CIL receipts from chargeable housing development in the district (unconsented allocated sites and on forecast windfall sites) may be 2021/22 (£0), 2022/23 (£947,000), after which the Government's potential reforms may come into effect together with any transitional arrangements</p> <p>Mechanism to help provide funding for Neighbourhood Planning groups</p> <p>The implementation of a CIL in Mid Devon would be consistent with Exeter City Council, East Devon District Council and Teignbridge District Council which are already CIL charging authorities. The experience of implementing and resourcing a CIL could help foster the opportunity for a joint CIL and non-statutory infrastructure plan and planning strategy</p> <p><u>Disadvantages</u></p> <p>A Mid Devon CIL would be likely to have a limited life expectancy should Government reforms be made to CIL and the current system of S106 planning obligations.</p> <p>There is a potential need for viability evidence to be updated to inform the CIL examination, which could delay the CIL examination to 2021. If this pointed to a need to revise the charging schedule this could require a withdrawal of the current charging schedule from the examination process, consultation on a revised charging schedule and submission for examination with a potential for significant delay in bringing a CIL regime into effect</p>
Option 1b	Continue with the CIL examination and reconsider following the receipt of the Inspector's report	<p><u>Justification</u></p> <p>This would provide an opportunity to pause to wait for an outcome on the Government's proposed reforms to the community infrastructure levy and the current system of planning obligations</p> <p><u>Advantages</u></p> <p>Provides the Council with the option to implement the CIL or not</p>

		<p><u>Disadvantages</u></p> <p>There is a potential need for viability evidence to be updated to inform the CIL examination, which could delay the CIL examination to 2021. If this pointed to a need to revise the charging schedule this could require the withdrawal of the current charging schedule from the examination process, consultation on a revised charging schedule and submission for examination with a potential for significant delay in bringing a CIL regime into effect</p> <p>Raises expectations that the Council will pursue the implementation of a CIL</p> <p>Examination costs of c£26,000 would be incurred</p>
Option 2	Withdraw the CIL draft charging schedule from examination and do not pursue a CIL for Mid Devon	<p><u>Justification</u></p> <p>Potential forecast CIL receipts will be limited (2021/22 (£0), 2022/23 (£947,000) after which the potential Government's reforms may come into effect together with any transitional arrangements</p> <p>Pooling restrictions on the use of S106 planning obligations were removed from 1<sup>st</sup> September 2019, and there is now greater flexibility to pool planning obligations towards infrastructure provision that did not exist at the time the Council approved the submission of a draft CIL charging schedule for examination</p> <p>The Council's proposed arrangements for S106 governance will continue to provide an opportunity for Town and Parish Councils to nominate projects to be funded through S106 planning obligations. S106 planning obligations will continue to be secured through significant levels of new housing development on the Local Plan strategic urban extensions at Tiverton East, Cullompton North West, and Cullompton East</p> <p><u>Advantages</u></p> <p>Avoids bringing into effect a new charging regime which would be short-lived, and with limited CIL receipts</p> <p>The current S106 regime for securing planning obligations would continue to remain in place until replaced by the Government's provide national infrastructure levy</p> <p>Examination costs of c£26,000 will not be incurred.</p> <p><u>Disadvantages</u></p> <p>Neighbourhood Planning Groups would not receive a neighbourhood portion of CIL receipts</p> <p>There is uncertainty how the current S106 planning obligations will be replaced by Government's proposed reforms</p>

		Mid Devon's approach would be inconsistent with Exeter City Council, East Devon District Council and Teignbridge District Council which are CIL charging authorities, and which might affect the preparation of a joint CIL and non-statutory infrastructure plan and planning strategy
Option 3	Put a CIL on hold – don't proceed with the examination at this stage and reconsider in 6 months	<p><u>Justification</u></p> <p>Pause to wait for an outcome on the Government's proposed reforms to the community infrastructure levy and the current system of planning obligations</p> <p>The Council's proposed arrangements for S106 governance will continue to provide an opportunity for Town and Parish Councils to nominate projects to be funded through S106 planning obligations. S106 planning obligations will continue to be secured through significant levels of new housing development on the Local Plan strategic urban extensions at Tiverton East, Cullompton North West, and Cullompton East</p> <p><u>Advantages</u></p> <p>Avoids progressing down a route that will incur examination costs and which may need to be abandoned at a later stage</p> <p><u>Disadvantages</u></p> <p>The Planning Inspectorate may not support a postponement of the examination</p> <p>The Consultant may not agree to protracted consultancy support – may need to review contract</p> <p>Delay to the introduction of a CIL if it is decided it is progressed, with uncertainty until that decision is made</p> <p>Potential need for viability evidence to be updated to inform the CIL examination, which could delay the CIL examination to 2021. If this pointed to a need to revise the charging schedule this could require withdrawal of the current charging schedule from the examination process, consultation on a revised charging schedule and submission for examination with a potential for significant delay in bringing a CIL regime into effect</p>

#### 4.0 Comparison between forecast potential S106 planning obligations and CIL receipts

- 4.1 Officers have undertaken an assessment of potential S106 planning obligations that might feasibly be secured from forecast new housing development consented on Local Plan site allocations and on windfall sites across the district in the period to 2022. This is based on small sample of planning applications where S106 planning obligations have been secured.

This assessment can help provide a comparison between those forecast potential S106 planning obligations and forecast potential CIL receipts from chargeable housing development in the district. It should be noted that the Council's submitted CIL draft charging schedule identifies public open space as an item of infrastructure that will not be funded in whole or part by a CIL and which would continue to be funded through S106 planning obligations.

- 4.2 The comparison in the following table shows that the sum of forecast potential CIL receipts and forecast potential S106 planning obligations secured for public open space (which will continue to be funded from S106 planning obligations) in 2022/23 could be about the same as the forecast potential total S106 planning obligations secured without a CIL in place. While this comparison is believed to be helpful, the calculations need to be treated with caution, since the assumptions used can be affected by many variables (i.e. development proposals not being submitted for determination, viability considerations, the size of dwellings (floorspace) and number of dwellings subject to a CIL charge and those that would be exempt etc).

	2020/21	2021/22	2022/23
Current regime (without a Mid Devon CIL)			
Forecast potential S106 planning obligations	£1.11m	£1.01m	£1.53m
Regime with S106 and a Mid Devon CIL			
Forecast potential S106 planning obligations for public open space	-	-	£509,000
Forecast potential CIL receipts	-	-	£947,000

## 5.0 Potential lifespan of CIL collection if introduced

- 5.1 Were a CIL approach to funding infrastructure to continue, it is estimated that it would only be in place for approximately 12 months before any reform is brought in. A draft timescale for CIL implementation is estimated as follows:

Examination of draft charging schedule	*March 2021
Receipt of Inspector's report	*June 2021
Council decision to enact charging schedule	August 2021
6 month preparation period	
CIL charging commences	March 2022

\* Note- These dates are determined by the Planning Inspectorate and are estimates only

- 5.2 CIL is due to be paid in full within 60 days of the commencement of the development unless payments are made in accordance with the instalment

policy. Commencement of development is normally within three years of the grant of permission (where an outline and reserved matters approach is taken, this time from initial permission to commencement may be longer). Accordingly there will be a lag time between the date charging starts and when CIL liable development granted after that date commences, thereby triggering the CIL payment.

- 5.3 If the decision is made to continue with CIL, these factors mean that little if any CIL money is likely to be paid for at least two years. This is of relevance given the Government's published intent to reform the system of CIL and S106 and to introduce planning reform as soon as possible. Whilst we can expect transition arrangements to any new system being introduced, it is reasonable to estimate that it could be in place (or in transition) in 23/24. This could give approximately 1 year of CIL charging before reform if the timescale for CIL implementation were as set out above. Members are asked to note that these timescales are estimated, but are considered reasonable assumptions.

## **6.0 Neighbourhood portion**

- 6.1 Paragraph 1.11 makes reference to the 15% neighbourhood portion of CIL receipts, rising to 25% where a neighbourhood plan or neighbourhood development order has been made. At present no neighbourhood development orders are in place and no neighbourhood plans adopted. However there are several neighbourhood plans in preparation, with that for Cullompton currently being the most advanced having received the Examiner's report. There is every expectation that the first neighbourhood plans will be made (subject to referendum results) in 21/22. In these locations 25% of CIL receipts would be then go to the relevant Parish or Town Council to spend on infrastructure. However, in locations such as Cullompton and Tiverton where most planned development is located on strategic sites, these larger allocations are not CIL chargeable, instead remaining subject to S106. Any CIL receipts would be related to non-strategic sites and therefore by their nature more limited in scale and size of CIL payment.
- 6.2 Whilst there will have been an expectation of receiving 15% or 25% of CIL payments by our communities, the amount of funding involved would be limited by its application to non-strategic sites and likely to be only from development over a short period of time until the system is reformed. It is not yet known for sure whether this reform will retain this neighbourhood share. However the Government has recognised it in the White Paper as 'an important incentive to local communities to allow development in their area' and should the approach be to give more freedom to local authorities over how they spend the 'infrastructure levy', the White Paper indicates it would be kept.

## **7.0 Planning Policy Advisory Group**

- 7.1 The Planning Policy Advisory Group (PPAG) was consulted on 18<sup>th</sup> November 2020 and has supported the recommendation of the report.

## **8.0 Conclusions**

- 8.1 Based on the appraisal of options available to the Council and informed through the assessment of timescales and likely lifespan, comparison of forecast potential S106 planning obligations and CIL receipts to 2022/23, it is recommended to Members that the CIL draft charging schedule is withdrawn from its examination and that Council no longer pursues a CIL for Mid Devon.

### **Contact for more Information:**

Jenny Clifford, Head of Planning, Economy and Regeneration  
[jclifford@middevon.gov.uk](mailto:jclifford@middevon.gov.uk)

Tristan Peat, Forward Planning Team Leader [tpeat@middevon.gov.uk](mailto:tpeat@middevon.gov.uk)

**Circulation of the Report:** Cabinet Member

### **List of Background Papers and relevant links:**

Community Infrastructure Levy Regulations 2010  
<https://www.legislation.gov.uk/uksi/2010/948/made/data.pdf>

Community Infrastructure Levy (Amendment) Regulations 2015  
<https://www.legislation.gov.uk/uksi/2015/836/made/data.pdf>

Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019  
<https://www.legislation.gov.uk/uksi/2019/1103/made/data.pdf>

Government guidance for Community Infrastructure Levy  
<https://www.gov.uk/guidance/community-infrastructure-levy>

“Planning for the Future – White Paper” (August 2020) MHCLG  
<https://www.gov.uk/government/consultations/planning-for-the-future>

Mid Devon webpages:

Cabinet 21<sup>st</sup> November 2016  
<https://democracy.middevon.gov.uk/mgAi.aspx?ID=4486#mgDocuments>

Council 1<sup>st</sup> December 2016  
<https://democracy.middevon.gov.uk/ieListDocuments.aspx?CId=156&MId=752&Ver=4>

CIL examination webpage  
<https://www.middevon.gov.uk/residents/planning-policy/community-infrastructure-levy-cil/community-infrastructure-levy-cil-examination/>

<https://www.middevon.gov.uk/residents/planning-policy/community-infrastructure-levy-cil/examination-library-2017/>

CIL Viability Update June 2018:

<https://www.middevon.gov.uk/media/346380/mddc-cil-viability-update-report-final-dsp-17517v3.pdf>

<https://www.middevon.gov.uk/media/346381/appendix-i-plus-cover-sheet.pdf>

<https://www.middevon.gov.uk/media/346382/appendix-ii-pluscover-sheet.pdf>

<https://www.middevon.gov.uk/media/346383/appendix-ii-appraisal-summaries.pdf>

<https://www.middevon.gov.uk/media/346384/appendix-iii-v3-plus-costar.pdf>



# MID DEVON DISTRICT COUNCIL – SCHEDULE OF MEETINGS – 2021/22

Ratified by Council on .....

MEETING	Normal day and Time	1	2	3	4	5 2022	6	Extra
<b>Planning Committee</b> <i>(first meeting of cycle)</i>	Wednesday	19 May	14 July	8 Sept	3 Nov	5 January	2 March	
<b>Planning Committee</b> <i>(second meeting of cycle)</i>	Wednesday	16 June	11 August	6 October	1 Dec	2 February	30 March	20 April
<b>CABINET</b> <i>(first meeting of cycle)</i>	Thursday	13 May	8 July	2 Sept	28 October	6 January	10 March	
<b>CABINET</b> <i>(second meeting cycle)</i>	Thursday	10 June	5 August	30 Sept	2 Dec	3 February	7 April	
<b>Environment PDG</b>	Tuesday	18 May	13 July	7 Sept	2 Nov	11 January	8 March	
<b>Homes PDG</b>	Tuesday	25 May	20 July	14 Sept	9 Nov	18 January	15 March	
<b>Economy PDG</b>	Thursday	20 May	15 July	9 Sept	4 Nov	13 January	17 March	
<b>Community PDG</b>	Tuesday	1 June	27 July	21 Sept	16 Nov	25 January	22 March	
<b>Scrutiny</b> <i>(first meeting of cycle)</i>	Monday	24 May	19 July	13 Sept	8 Nov	17 January	21 March	
<b>Scrutiny</b> <i>(second meeting cycle)</i>	Monday	21 June	16 August	11 October	13 Dec	14 Feb	**Tuesday 19 April	
<b>Audit Committee</b>	Tuesday	1 June	27 July	21 Sept	16 Nov	25 January	22 March	
<b>Standards Committee</b>	Wednesday	2 June		13 October		9 February		
<b>Licensing Committee</b>	Friday	11 June			10 Dec			
<b>Regulatory Committee</b>	Friday	11 June			10 Dec			
<b>Away Days</b>	Fri 9.30am			10 Sept				
<b>COUNCIL</b>	Wed 6.00pm	30 June	25 August	27 October	22 Dec	23 Feb	27 April	<b>11 May 2022</b>

Note: (i) \* **Annual Meeting in 2021 is on 12 May**  
(ii) \*\* Scrutiny Committee moved on one day because of Easter Monday.

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## **MID DEVON DISTRICT COUNCIL**

**MINUTES** of a **MEETING** of the **SCRUTINY COMMITTEE** held on 9 November 2020 at 2.15 pm

### **Present**

#### **Councillors**

F W Letch (Chairman)  
G Barnell, E J Berry, W Burke, L J Cruwys,  
Mrs C P Daw, J M Downes, Mrs S Griggs,  
S J Penny, B G J Warren, A Wilce and  
R F Radford

### **Apologies**

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

R L Stanley

### **Also Present**

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

S J Clist, R M Deed, R Evans, B Holdman, D J Knowles  
and B A Moore

### **Also Present**

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

Stephen Walford (Chief Executive), Andrew Jarrett (Deputy Chief Executive (S151)), Andrew Busby (Group Manager for Corporate Property and Commercial Assets), Lee Chester (Leisure Manager), Maria De Leburne (Legal Services Team Leader), Simon Newcombe (Group Manager for Public Health and Regulatory Services), Clare Robathan (Scrutiny Officer) and Sally Gabriel (Member Services Manager)

## **104 APOLOGIES AND SUBSTITUTE MEMBERS**

Apologies were received from Cllr R L Stanley who was substituted by Cllr R F Radford.

## **105 VIRTUAL MEETING PROTOCOL**

The Protocol for Remote Meetings was **NOTED**.

## **106 DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (00-02-42)**

Members were reminded of the need to make declarations of interest when appropriate.

## **107 PUBLIC QUESTION TIME (00-02-50)**

There were no questions from members of the public present.

## **108 MEMBER FORUM (00-03-01)**

Cllr B G J Warren questioned as to whether information had been circulated with regard to the number of empty homes currently not in use in the district and a

strategy for garage repairs. The Scrutiny officer stated that this information had been circulated.

Cllr L J Cruwys raised the issue of the Cemetery Lodge and the answer provided to the question posed at the previous meeting which he felt was the best way forward for the use of the lodge. He raised the issue of garage repairs and stated that he would ask for a paper to be brought before the Homes Policy Development Group.

#### 109 **MINUTES OF THE PREVIOUS MEETING (00-07-22)**

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

#### 110 **DECISIONS OF THE CABINET (00-08-13)**

The Committee **NOTED** that none of the decisions made by the Cabinet on 29 October 2020 had been called in.

#### 111 **CHAIRMAN'S ANNOUNCEMENTS (00-08-28)**

The Chairman stated that that the previous week he had had a meeting with the Vice Chairman – Cllr Mrs Daw, the Scrutiny Officer and Cllrs Miss Wainwright and Miss Norton with regard to Motion 564 which had been forwarded to the Scrutiny Committee from Council. It had been decided that the Scrutiny Officer's paper would be forwarded to the Director of Corporate Affairs and Business Transformation to see whether any of the issues discussed were achievable. He also informed the meetings that he, along with Cllrs Mrs Daw and Dolley had attended a chairing skills course the previous week which had been very useful.

#### 112 **CABINET MEMBER FOR COMMUNITY WELLBEING (00-10-39)**

The Committee had before it and **NOTED** a \* report of the Cabinet Member for Community Well-Being highlighting areas within his portfolio.

The Cabinet Member outlined the contents of the report by service highlighting the following headlines:

##### **Public Health and Regulatory Services:**

- Two lead Environmental Health Officers had gained Chartered Environmental Health Practitioner Status and two other officers were currently working towards that status
- The service had been undertaking non-Covid infectious disease work on behalf of Public Health England to free up PHE capacity
- The service had been engaging with local businesses over Covid compliance and providing advice alongside wider public health and health inequalities work. Officers had also enforced H&S legislation where required and had rolled out multi-contact Covid-secure checklists to support business.
- The service had been mandating adequate Covid risk assessments for (permitted) planned events through the multi-agency Mid Devon Safety Advisory Group.

### **Licensing**

- The team had successfully rolled out new mandatory safeguarding provision and training for taxi drivers following key updates to taxi licensing policy in 2019. The scheme of delegations for officers and the Licensing/Regulatory Committees had also been reviewed and updated

### **Environmental Health**

- The Food Standards Agency had temporarily relaxed all Local Authority inspections requirements on lower risk premises due to the Covid pandemic, which had helped to redeploy some staff into the Covid front line.

### **Emergency Planning**

- Emergency Plan procedures had been updated following severe weather events
- An updated Recovery Plan had been launched and training delivered at all levels
- The Covid response had dominated emergency planning activity during 2020

### **Community Safety**

- The team had delivered strongly against the planning activity in the East and Mid Devon Community Safety Partnership (CSP) Action Plan
- Following the departure of the Police chair of the CSP, the authority had stepped in to take over the chair and was working with all statutory partner agencies.

### **ICT**

- Once the team were back to full capacity there was a comprehensive review planned for upgrades to telephony, the potential roll out of Office 365 plus a new CRM business case would be progressed for consideration early in 2021
- The decision had been taken to use Zoom for virtual committee meetings. MS Teams would be progressed but that was a major project for the future.

### **Strategic Grant Reviews**

- A working group of the Community PDG had been set up to consider the review of the grants programme.

### **Land Charges**

- The team had been very busy, with income up on the previous year.

### **Leisure**

- The current position was outlined which included a reopening strategy following the first lockdown to ensure a continued Covid-19 safe service. (Note: the report had been written prior to the second lockdown)
- The Leisure Service had been key in supporting other colleagues in the Council across other services for delivery during the lockdown and recovery period.

### **Play Areas**

- Refurbishment projects were explained

## **Market Square**

- The town square in Crediton was being resurfaced to improve appearance and drainage

Consideration was given to:

- Licensing – the work of all agencies with regard to the 2 Sisters plant in Willand and the fact that modern slavery issues had been mentioned in the report. The Group Manager for Public Health and Regulatory Services stated that the report referred to migrant workers; issues such as unlicensed taxis and transport to and from the site had been addressed along with one issue of modern slavery
- Food safety issues
- Emergency Planning - liaison with Parish Councils who had a Parish Plan and whether official training sessions had taken place and whether the emergency plan covers all major incidents. Devolved responsibilities with regard to the pandemic
- ICT and the use of Zoom, how Zoom was performing compared to MS Teams; remote working for officers and the roll out of equipment and the plans for the telephony system
- Help for the public who had problems accessing online functions
- The closure of the leisure centres as of 5 November, in line with national restrictions.

The Chairman thanked the Cabinet Member for his report.

Note: \*report previously circulated and attached to the minutes

## **113 3RDL - CABINET REPORT OF 29TH OCTOBER (00-57-06)**

Members had requested that consideration be given to a report that had been presented to the Cabinet at its meeting on 29 October 2020.

The Chairman indicated that the decision of the Cabinet with regard to 3 Rivers Developments Limited had not been called in and therefore the decision stood.

Consideration was given to:

- The purpose of the committee discussing the report and if protocols had not been followed in the decision-making process then maybe the decision should have been called in for further discussion.
- Whether the Cabinet had been exceeding its authority by making the decision
- The need to understand the strategy for the company going forward
- The funding involved
- Whether a complete options report should have been considered
- Whether the new ventures should have been considered
- The need to involve the whole council in the decision-making of the company and for the Audit Committee to consider the risks
- The information provided in the report with regard to ongoing ventures and that the funding had been requested for exploratory work

- The need for the Audit Committee to look at the risk and for the Scrutiny Committee to consider governance issues
- The role of the Scrutiny Committee with regard to 3 Rivers Developments Limited
- A request for questions asked to be answered

It was therefore **AGREED** that an informal briefing for both the Scrutiny Committee and the Audit Committee take place where further discussions could take place and that the Chairman of the Scrutiny Committee progress the setting up of such a briefing with his Vice Chairman and the Chairman and Vice Chairman of the Audit Committee.

(Proposed by Cllr A Wilce and seconded by Cllr J M Downes).

#### 114 **FORWARD PLAN (1-43-09)**

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

The Clerk informed the meeting that the Regulation of Investigatory Powers report had been moved to the January meeting of the committee.

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

#### 115 **SCRUTINY OFFICER UPDATE (1-43-54)**

The Scrutiny Officer gave a verbal update on the items that she had been working on and informed the meeting of the following:

- She reminded the committee of the planned informal workshop that would take place on Monday 16 November and requested that any ideas brought forward should also consider impact and outcomes
- She provided feedback on the number of responses received to date from the menopause survey
- The Planning Enforcement Working Group would commence when the other working group had completed its work.
- She had circulated a paper with regard to pre-scrutiny

The officer then reported the actions from previous meetings for Members information

- Members had received responses to the questions asked to the Cabinet Member for Housing and Property Services, including:
  - Average cost of bringing empty property back into use;
  - The programme of garage repairs;
  - The number of landlords involved in Cullompton working with the Council to increase the supply of quality housing above shops in the town centre;
  - How rents were set in Market Walk.
- Members had received information on the current number of empty shops in Tiverton, Crediton and Cullompton.

- Information had been provided on the percentage of customer complaints answered.
- Members had received responses to questions asked with regards to 3RDL, including information on contaminated soil at the St George's site. Members had also received a further briefing on 3RDL from Cllrs Evans and Moore in time for the discussion today, with information on borrowing and lending, profitability and scheduling of developments.

A full update on all committee recommendations would be provided at the next meeting.

## 116 VIABILITY OF COUNCIL OWNED COMMERCIAL PROPERTY

The Committee had before it and **NOTED** a \*report of the Group Manager for Corporate Property and Commercial Assets providing an update on the viability of Council owned commercial property.

The officer outlined the contents of the report stating that the Council worked with local agents to fill voids in any council owned property. The overall objective of the Council in the management of its property portfolio was to utilise and manage its commercial property in accordance with the principles of best value which enabled high quality services to be provided to tenants. The portfolio included commercial property and properties such as Market Walk and properties in Fore Street, Tiverton. He outlined the Asset Management Strategy and Capital Asset Management Plan and the work of the Capital Assets Management Group.

Consideration was given to:

- The list of premises owned available within the report
- Income received from rents
- The draft audit report

As Members wished to consider some of the information within the Part II appendices it was:

**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)

Following consideration of income received from commercial properties the meeting returned to open session.

Note: \*Report previously circulated.

## 117 IDENTIFICATION OF ITEMS FOR THE NEXT MEETING

In addition to those items already listed within the agenda pack for items for future meetings, consideration took place with regard to inviting the Police to attend a meeting to consider the impact of the pandemic on the police force, however it was



**AGREED** that the Police should not be distracted at the current time and therefore the idea was withdrawn for the time being.

(The meeting ended at 4.35 pm)

**CHAIRMAN**

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## **MID DEVON DISTRICT COUNCIL**

**MINUTES** of a **MEETING** of the **SCRUTINY COMMITTEE** held on 14 December 2020 at 2.15 pm

### **Present**

#### **Councillors**

F W Letch (Chairman)  
G Barnell, W Burke, L J Cruwys,  
Mrs C P Daw, Mrs S Griggs, S J Penny,  
B G J Warren, A Wilce, Mrs F J Colthorpe,  
C J Eginton and B Holdman

### **Apologies**

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

E J Berry, J M Downes and R L Stanley

### **Also Present**

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

R J Chesterton, R M Deed, R J Dolley, R Evans,  
D J Knowles, B A Moore and Mrs N Woollatt

### **Also Present**

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

Stephen Walford (Chief Executive), Jenny Clifford (Head of Planning, Economy and Regeneration), Andrew Jarrett (Deputy Chief Executive (S151)), Jill May (Director of Corporate Affairs and Business Transformation), Maria De Leburne (Legal Services Team Leader), Andrew Busby (Group Manager for Corporate Property and Commercial Assets), Lisa Lewis (Group Manager for Business Transformation and Customer Engagement), Adrian Welsh (Group Manager for Growth, Economy and Delivery), Catherine Yandle (Group Manager for Performance, Governance and Data Security), Sally Gabriel (Member Services Manager), Tristan Peat (Forward Planning Team Leader), Sarah Lees (Member Services Officer) and Carole Oliphant (Member Services Officer)

## **118 APOLOGIES AND SUBSTITUTE MEMBERS (0.04.41)**

Apologies were received from Cllrs E J Berry, J M Downes and R L Stanley who were substituted by Cllrs C J Eginton, B Holdman and Mrs F J Colthorpe respectively.

## **119 REMOTE MEETING PROTOCOL (0.05.17)**

The Committee had before it, and **NOTED**, the \*remote meetings protocol.

Note: \*protocol previously circulated and attached the minutes

## **120 DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (0.05.27)**

Members were reminded of the need to make declarations of interest when appropriate.

## 121 **PUBLIC QUESTION TIME (0.05.41)**

The Chairman read out a question submitted by a local resident, Nick Quinn:

### **Concerning Agenda Item 7: Decisions of the Cabinet**

I agree with both these Cabinet decisions being called-in for scrutiny.

Though the Monitoring Officer is very much open on the first decision, I also question the basis of the first decision to fix the Post Hill development at 70 Affordable properties of a particular bed/size mix.

There is no evidence in the open report to justify why this particular option was recommended, or should have been accepted. A failure on Openness.  
The proportions of the agreed property mix do not reflect the proportions of the Registered Housing Applicants which are listed in the report.

Other property mixes, which would be more in proportion to the registered need, and generate more rental income, should have been considered.  
This decision also fails the Proportionality and Options tests.

I also question the second decision, where the meaning is plainly stated: “the delivery of the housing will be through the new company”.

The Cabinet tried to qualify that statement, by saying that the new company should meet certain conditions and “any other material factors”. But, by not being specific on these factors, this decision also fails the Openness test.  
The Monitoring Officer states “the Cabinet must, in any decision, consider all relevant and material factors at the time of the decision” – not later!

It is extremely Relevant and Material that, at the time of the decision, the Teckal Company does not exist - and no advice on creating one had been received by Cabinet.

Councils award their Teckal Companies business on a contract basis. By pre-awarding this development contract to a Company, which they hope to create, I believe Cabinet may be in breach of Council Financial Regulations.

My question is:

Please will Scrutiny Committee pass both these decisions back to Cabinet for further consideration?

The Chairman advised that the question would be addressed at item 7 on the agenda.

## 122 **MEMBER FORUM (0.08.37)**

There were no issues raised under this item.

## 123 MINUTES OF THE PREVIOUS MEETING (0.08.55)

The minutes of the last meeting were approved as a correct record

## 124 DECISIONS OF THE CABINET (0.09.54)

The Chairman informed the Committee that two decisions made by the Cabinet at its meeting on 3<sup>rd</sup> December 2020 (with regard Land at Post Hill) had been \*called in for consideration by the Scrutiny Committee in accordance with the Council's Constitution. The decision had been called in by Cllrs Barnell, Holdman, Clist and White.

To consider:

### ***Lack of consideration of alternative options;***

- 1. The building of more Social Rented Homes is a key priority of the Corporate Plan recently agreed by Full Council. The development of the Post Hill site presents an important opportunity to build a significant number both of Affordable Rented and of Social Rented Homes in Tiverton and thereby address the local gap in affordability that impacts most on families with a low income .*
- 2. The options presented to and considered by Cabinet included three options:-*
  - a. Option 2-For 50 Social and 20 Affordable Homes*
  - b. Option 3- For 50 Social, 15 Affordable Homes and 5 Self Build Homes*
  - c. Option 4- 70 Affordable Homes*
- 3. The report to cabinet recommended Option 4 on the basis of budgetary considerations. External and expert financial assessments were appended to the report to explain these issues.*
- 4. Cabinet were asked only to consider options that were posed at opposite ends of a continuum of possible mixes of tenure. It should also have considered other options that may well have presented very different assessment and comparisons of affordability.*
- 5. There were other options that were not presented that would have allowed Cabinet to consider and compare the financial implications of different mixes or proportions of Affordable rented and Social rented housing.*
- 6. Such options might have included, say, a 35/35 split between affordable rented and social rented homes and also a 20/50 split. Either option would still yield a significant addition on the Council's stock of Social Rented Housing.*
- 7. Finally the report to Cabinet presented only a single set of proposals on the numbers of housing units of a particular size. This proposal did not relate to the analysis of need for particular size of dwelling as presented in the report. No other options were considered even though different options would have a significant impact on costs and forecast returns.*
- 8. We are, therefore asking that Cabinet consider other options for the mix of Social Rented and Affordable Rented Homes and also for the mix of the size of units. This will allow Cabinet to carry out more reasonable analysis and comparisons of both cost and returns.***

### ***Pre-determination of a future decision of Full Council***

*1) A decision to set up a TECKAL compliant company to deliver some or all of the Council's Housing services is a major step that has yet to be made and that will require a decision of Full Council. This decision will need to be supported by a full business case setting out elements of the Councils services that are to be managed and delivered by the SPV and include an assessment of the risks and opportunities involved.*

*2) The range of services that might be transferred to the proposed TECKAL company might include the full range of the Councils Housing services. On the other hand it might be limited to include only the remit to develop new affordable and social rented housing.*

*3) The Cabinet decision that the delivery of 70 units of affordable rented housing will be through any new TECKAL company clearly pre-empts a future decision of Full Council on the scope of the MDDC services and activities to be transferred to such a Company.*

***4) This decision is unnecessary and unconstitutional. Cabinet could have decided instead to recommend that the delivery of the Post Hill homes be through a future TECKAL company.***

The Lead Member for the call in explained to the Committee that his belief was the options considered by the Cabinet on 3<sup>rd</sup> December were not based on evidence of need and that the whole Post Hill site being allocated for affordable housing was a failure of evidence. He explained that his evidence was based on studies of affordable housing and was based on household income and gave a split on affordable social housing. He stated that the Council was failing to keep pace with right to buy and that it had been haemorrhaging social housing over a 9 year period. He stated that he felt that the infill sites available were not sufficient.

Another Member, who had also signed the Call in, stated that his concerns were that there was not enough social housing in Devon and that there were too many second home owners. He felt that the Council was not keeping up with social housing needs.

In response to a question asked to the Lead Member for the call in about his previous involvement in deciding the housing mix, he explained that he had been on a previous working group looking at the options. He explained that at that time he was in favour of social housing dependant on the need and affordability.

The Lead member for the call in explained that he felt the Cabinet were very keen to make decisions on a future company which did not yet exist and therefore they had pre-determined the outcome. He felt that this was unconstitutional.

Another Member, who had also signed the Call in, stated that the Cabinet had made an assumption that everything would go to plan and that a Teckal company was going to be formed.

The Cabinet Member for Housing and Property Services, addressing the concerns raised stated that the design options for the Post Hill site were not binding and were subject to a final design which would explore a mix of housing to be delivered. He stated that a feasibility study and options would be required before a final decision was made. He explained that Officers preparing the report on options, received by the Cabinet, had taken advice from Members, including the previous Cabinets working group, with regard to options presented.

The Group Manager for Property Services and Commercial Assets explained to the Committee that there had been a Working Group set up by the previous Cabinet to considered the housing mix for the Post Hill Development and that it had been decided by that group not to present too many options to Cabinet. It was also agreed to complete further analysis on two Options (2&3) including financial costings that have been provided in supporting Part 2 documentation and based on the housing mix agreed by the previous Working Group, with one additional Option (4)

Consideration was given to:

- The views of the Members who had called in the decision to the Scrutiny Committee
- The advice of the Monitoring Officer
- The views of the Cabinet Member for Housing and Property Services
- The views of the Member of the Public who had submitted questions

It was therefore **RECOMMENDED** that the Cabinet: reconsiders its decision on the delivery of Post Hill homes by a possible Teckal Company and that it instead substitutes it for a recommendation to Full Council.

(Proposed by Cllr G Barnell and seconded by Cllr L Cruwys)

6 votes for, 6 votes against – Chairman's casting vote

**Reason for the Decision: To allow for the creation of a Teckal Company to be a decision considered by full council**

Notes:

- i.) A proposal requesting the Cabinet to consider other options for the mix of social rented and affordable rented homes and also for the mix of the size of units, this will allow Cabinet to carry out more reasonable analysis of the comparisons of both cost and returns **was not supported**.
- ii.) \*Report previously circulated, copy attached to minutes

## 125 **CHAIRMAN'S ANNOUNCEMENTS (1.08.55)**

The Chairman wished all Members and Officers Seasons Greetings and thanked them for civilised debates.

## 126 **CABINET MEMBER FOR PLANNING AND ECONOMIC REGENERATION (01.10.28)**

The Committee had before it, and **NOTED**, a \*report of the Cabinet Member for Planning and Economic Regeneration outlining the key area's within his portfolio.

He explained that the report was long but this was necessary due to the variety of work that his portfolio covered.

Committee Members asked a variety of questions and gave consideration to:

- The increase in unemployment claims from 820 to 2055 between March and September 2020

- Members were hugely impressed with the department's ability to get on top of new priorities due to the pandemic
- The 1700 business grants that had been issued totalling in excess of £20m
- The business case for the Hydro Mills project was underway
- Advice from the Environment Agency had informed the Tiverton hydro proposal
- The purpose of the Hydro Mills project
- The Tiverton Town Centre Masterplan was due to be brought to Cabinet in March after further consultations with the Town Council, businesses and Ward Members
- What happened to the budget for a Town Centre Manager (the Deputy Chief Executive S151 would provide an update to Members)
- The Cullompton relief road was due to be completed within the next 2-3 years
- A number of large developments which had been granted permission that had not yet been started would be investigated by the Development Delivery Advisory Group (DDAG) to try to understand the reasons for delay
- The introduction of the Self Build Policy should increase interest in the scheme
- The Cabinet Member had investigated the lack of admin support for the Planning Enforcement team and was looking to review the processes used. Members would need to decide if they wanted to allocate a budget for Planning Enforcement admin support during the budget setting process
- The Council would publish its S106 records of funds received and spent for 2019/2020 by 31<sup>st</sup> December 2020
- The planning performance targets were set by Government and were reported to the Planning Committee on a quarterly basis

Notes:

- i.) Cllr W Burke left the meeting at 16.01pm
- ii.) Cllr G Barnell left the meeting at 16.09pm
- iii.) \*report previously circulated and attached to the minutes

## **127 UPDATE IN THE CUSTOMER EXPERIENCE WORKING GROUP RECOMMENDATIONS (02.23.14)**

The Group Manager for Business Transformation and Customer Engagement provided Members with a verbal update on the status of the recommendations made by the Customer Experience Working Group as follows:

1. Business Case for CRM – Officers had engaged with the market and a prior interest notification had been issued. This had resulted in a number of demonstrations being received on the various offerings available. Officers, Cabinet Members and the Chairman of the Working Group had been involved in scrutinising these and deciding what kinds of activities were required in the final product. A lot of work was going into the business case as a new CRM system would be a significant investment for the Council
2. Systems work to full capacity – This was on hold until a decision had been taken with regard to a new CRM



3. Customers at the heart of the Council – Officers were planning some workshops in the New Year which would be open to Members to discuss their experience and explore their requirements. Officers would engage with the public via a small group of tenants, residents and businesses
4. Customer Survey – This was in progress but had been limited as there were restrictions on face to face contact. Online and telephone surveys were being carried out and this would run until the end of December 2020
5. Re-establishing a dedicated Planning department phone service – there had been a reduction in staff and this would be re-addressed after the current ongoing recruitment campaign had been completed
6. Phone waiting times – this had improved by 15% but was still below target. The main issues were that some experienced call centre staff had been redeployed to assist other departments cope with an increase in duties due to the pandemic

The Chairman of the Working Group thanked the Officer and explained that what she had seen so far had been promising.

The Officer advised that a further update would be provided in 6 months time.

## 128 **PERFORMANCE AND RISK (02.40.04)**

The Committee had before it, and **NOTED**, the \*Performance and Risk report presented by the Group Manager for Performance, Governance and Data Security.

She outlined the contents of the report and explained that there was an additional appendix of measures against the new corporate plan which had been agreed by Cabinet.

In answer to a question the Officer explained that the percentage of complaints resolved would be adjusted upwards once the complaints had been closed.

The Committee then discussed issues with regard to anti social behaviour in the Tiverton Multi Storey Car Park and the Officer explained that although the risk was monitored it wasn't reported to Members unless the risk was scored 10 or above.

Note: \*Performance and Risk report previously circulated and attached to the minutes

## 129 **FORWARD PLAN (02.57.57)**

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

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

## 130 **SCRUTINY OFFICER UPDATE (02.58.26)**

The Member Services Manager on behalf of the Scrutiny Officer provided the following update:

- The Committee held a Work Programme planning workshop on 16 November. A note of the session has been sent to Members of the Committee. Members

had a good discussion and agreed that, alongside the current Working Group's we have on Menopause and Planning Enforcement, the Committee will look into further work around Anaerobic Digesters and rural broadband; and that a regular update on Customer Service will be brought to the Committee.

- An informal meeting of the Planning Enforcement Working Group was held two weeks ago to discuss Terms of Reference. The Group will meet formally for the first time in January.
- The Menopause Working Group will bring its final report to the February Scrutiny Committee.

### **131 UPDATE ON SCRUTINY RECOMMENDATIONS (02.59.28)**

The Member Services Manager on behalf of the Scrutiny Officer provided the following update:

- At the Work Programme planning session Members requested regular updates on recommendations that the Committee has made. The Committee has heard today the update on the Customer Experience Working Group Recommendations. The Committee will receive a further on this work in another six months' time.
- The other recommendation made by this Committee was in July, it said: 'It was RECOMMENDED that the Housing Infrastructure Funding risks were investigated by the Audit Committee'.
- At the November meeting of the Audit Committee this was one of the risks that the Committee discussed, in particular around infrastructure delivery and why the mitigating actions have remained the same for some time. This is now being reviewed by Officers.

### **132 IDENTIFICATION OF ITEMS FOR THE NEXT MEETING (03.00.29)**

No additional items were identified.

(The meeting ended at 5.16 pm)

**CHAIRMAN**

## **MID DEVON DISTRICT COUNCIL**

**MINUTES** of a **MEETING** of the **AUDIT COMMITTEE** held on 17 November 2020 at 5.30 pm

### **Present**

#### **Councillors**

W Burke, Mrs C Collis, N V Davey,  
S J Penny, A Wyer, A White and A Wilce

### **Also Present**

#### **Councillors**

G Barnell, S J Clist, Mrs C P Daw, R M Deed, R Evans and  
B A Moore

### **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), Paul Middlemass (Audit Manager) and Sarah Lees (Member Services Officer)

### **Also**

#### **In attendance**

Julie Masci (Engagement Lead, Grant Thornton)

## **56. APOLOGIES**

There were no apologies for absence.

## **57. PROTOCOL FOR REMOTE MEETINGS**

The protocol for remote meetings was noted.

## **58. PUBLIC QUESTION TIME**

There were no members of the public present, however, Cllr Barnell stated.....I am not sure if it is in order for me to raise this at this point but I do want an answered question and I couldn't see another place on the agenda to ask one. Is it in order to ask it now or shall there be another opportunity?

The Chairman stated that this was fine.

Councillor Barnell continued...

1.How will the Audit Committee exercise its responsibilities in future in respect of the ongoing risks associated with 3RDL including:-

- The validation of profit and loss forecasts provided by the Company?
- The soundness of investments of taxpayers money made in the Company?
- The repayment of loans and the repayment of interest due on these loans by Company including oversight of any future impairments that may be made in respect these payments.

2. What will be the roles of both the internal and external auditors in ensuring that any risks associated with the Councils investments in and loans to 3RDL are effectively analysed and reported to the Committee?

I do not expect an answer to that today, however, I appreciate you letting me ask the question and I would appreciate a written response in the near future. I think the question in my mind is addressed to both you and your deputy in terms of scheduling the work of the Audit Committee. Thank you very much.

The Chairman stated that... with regard to S106 my understanding is that only recently at Council were the governance arrangements agreed. In addition there will be a report to the December Cabinet meeting on the Community Infrastructure Levy which if agreed will be referred to a subsequent meeting of the Council. That report will deal with whether this Council wishes to continue with CIL or withdraw from the examination and no longer seek to implement it.

That's the note that I have been sent to mention at this point but you will get a full answer to your questions in writing and all Members will have a copy of that in due course. Is that okay?

Cllr Barnell responded by saying.....I had understood all that, the question actually related to the technical management systems for the CIL and S106, not to the procedures and it relates to the two systems referred to under item 11 which I wanted to raise then as an ordinary Member, not a member of the Committee. Item 11 you will see is the internal audit report and progress on that and one of the issues is the risk management on the two recording systems that have been put in place, one for S106, the other for CIL payments. So I wonder if I can raise that issue again there because there may have been a slight misunderstanding here about what I am asking about?

The Chairman agreed that the subject could be revisited under agenda item 11.

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

No interests were declared under this item.

## **60. MINUTES OF THE PREVIOUS MEETING**

The minutes of the meeting held on 22 September 2020 were confirmed as a true and accurate record.

## **61. CHAIRMAN'S ANNOUNCEMENTS (00:08:00)**

The Chairman welcomed Paul Middlemass to the Committee. He had been appointed as the new Audit Manager for the Devon Audit Partnership and would be attending the Audit Committee in the future. David Curnow would continue to work for Mid Devon District Council and would have oversight of the audit function.

## **62. MDDC REPRESENTATION ON DEVON AUDIT PARTNERSHIP (DAP) (00:10:00)**

It was explained that DAP met three times a year, meetings were held remotely and lasted approximately an hour and a half. Normally there were two representatives

from each local authority, one being the Chairman of each Audit Committee and one other member of the Committee.

The Chairman stated that he had attended a DAP meeting that morning and that he was looking for a willing volunteer from the Committee to join him at future meetings.

The Vice Chairman stated that he would be willing to deputise for the Chairman if he was not able to attend a meeting but he would need advance warning since he worked full time.

There were no other volunteers so for the time being the Chairman would attend alone.

### 63. **PERFORMANCE AND RISK (00:14:00)**

The Committee had before it a report \* from the Group Manager for Performance, Governance and Data Security providing Members with an update on performance against the Corporate Plan and local service targets for 2021-21 as well as providing an update on the key business risks.

The contents of the report were outlined and particular reference made to the following areas:

- The report provided performance data up until the end of September 2020 and had now passed through all 4 Policy Development Groups.
- The draft Key Performance Indicators (KPI's) were now aligned with the new Corporate Plan framework. New aims needed new measures.

Discussion took place and questions were asked with regard to the following:

- The Risk Management report and whether the section relating to monitoring the risk in relation to 3 Rivers provided enough information to the Audit Committee to adequately assess the financial risks. It was felt that perhaps the Business Plan should come to the Audit Committee as well so that it could judge performance against expectations. The Deputy Chief Executive (S151) explained that the 3 Rivers Board provided 6 monthly reports to the Cabinet which provided an update on their delivery against their business Plan. There were also monthly updates to the Cabinet on the 33 recommendations which had been approved. It was, however also the Audit Committee's job to ask for regular updates in order to seek assurance that the risks were being managed. He referred to a planned joint briefing between the Scrutiny Committee and the Audit Committee where these issues could be discussed further.
- In relation to 'Infrastructure delivery' and the mitigating action 'Close working with delivery partners' in an attempt to mitigate risk, it was felt there were no examples provided as to what had happened or what was planned. It was explained that this detail would need to be provided by the Economic Development team and could be provided after the meeting.
- Regarding 'Community Right to Buy' and the 'opportunity to communicate with third parties', it was stated that this had been reported as a mitigating action for a year but the Committee had received no information as to how that was or was not progressing.

- A range of options being considered in relation to overall funding had not been fully explained. The question was asked as to what was the possibility of sharing senior officers with other authorities? The Deputy Chief Executive (S151) explained that a report considering funding options would be presented to the Cabinet on 3 December 2020. Much would depend upon the amount of Government funding for next year. This was expected to be announced towards the end of November or early December. He further explained that shared management arrangements had already taken place with the Refuse and Recycling Manager in North Devon as well the sharing of an ICT Manager. When one of the Directors had left last year, the work of that post had been subsumed into the work load of the remaining Directors in order to make savings.
- When was it appropriate for the Audit Committee to comment on the budget gap for next year? It was explained that the Audit Committee did not have a statutory role in assessing the budget or the MTFP. This work was undertaken by the Policy Development Groups and the Scrutiny Committee who made recommendations to the Cabinet. All Members were welcome to attend each of these meetings and make contributions. Reviewing the budget in January before final approval by the Cabinet and ultimately full Council was a role for the Scrutiny Committee.
- More information was requested in relation to the risk 'SPV Governance Arrangements – 3 Rivers'. The Cabinet Member for Finance explained that detailed information was provided to the Cabinet and relevant Cabinet Members were taking a proactive approach in seeking to get outstanding actions concluded. Progress was being made. It was suggested that the monthly update on the 33 recommendations be provided to the Clerk for circulation to the Audit Committee.

**RECOMMENDED** to the Cabinet that the draft Key Performance Indicators be approved.

(Proposed by Cllr A Wyer and seconded by Cllr N V Davey)

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

#### 64. **PROGRESS UPDATE ON THE ANNUAL GOVERNANCE STATEMENT ACTION PLAN (00:45:00)**

The Committee had before it, and **NOTED**, a report \* from the Group Manager for Performance, Governance and Data Security providing it with an update on progress made against the Annual Governance Statement 2019/20 Action Plan.

Consideration was given to:

- The need for the Audit Committee to further challenge the adequacy of mitigating actions in relation to identified risks and to closely monitor whether progress was being made. In order to do this it was felt that the Audit Committee needed as much detail as possible and for new members to the Committee especially, support and guidance be provided wherever possible.
- The perceived overlapping areas between the Scrutiny Committee and the Audit Committee. The Deputy Head of the DAP explained that it was sometimes challenging to separate the interests of each committee but the

role of the Audit Committee was essentially to seek assurance that the right mitigations were in place to manage risk and to monitor these closely. The role of the Scrutiny Committee was more about performance and the 'what and how' a decision to do something was being managed.

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

**65. BRIEFING PAPER ON THE REDMOND REVIEW (00:55:00)**

The Committee had before it, and **NOTED**, a briefing paper \* from the Group Manager for Performance, Governance and Data Security. It was reported that in September 2020 Sir Tony Redmond completed an Independent Review into the Oversight of Local Audit and the Transparency of Local Authority Financial Reporting.

The contents of the briefing paper were summarised and it was confirmed that the Committee would be kept updated on any developments as a result of this review.

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

**66. INTERNAL AUDIT PROGRESS REPORT (00:58:00)**

The Committee had before it, and **NOTED**, a report \* from the Head of the Devon Audit Partnership providing a progress update on the performance of Internal Audit.

The Committee were referred to the summary of audit reports and findings for 2020-2021. It was confirmed that no significant weaknesses had been found. Additional work had been incurred as a result of Covid 19 and as a result there would be some slippage in terms of delivering the Audit Plan.

With regard to the 'Partnership Governance – Building Control' review, the Committee were informed that this review had now been completed, joint meetings had now recommenced and the direction of travel would be amended to green.

Consideration was given to:

The implementation of new management and recording systems for S106 and CIL payments being considerably overdue. The question was asked as to when these systems would be in place? The Deputy Chief Executive (S151) responded by saying that he could not give a precise date but that a detailed report would be coming to the Cabinet on 3 December 2020 setting out the exact position and how it would be managed going forwards. It was right however that the Audit Committee monitored the situation closely.

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

**67. EXTERNAL AUDIT PROGRESS REPORT AND SECTOR UPDATE (01:09:00)**

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



A summary of the report was provided with particular mention of the following:

- Two items remained outstanding in their Audit Findings Report. This was a review of the final set of financial statements and post balance events review and the receipt and review of the letters of assurance from the Devon County Council Pension Fund Auditor.
- The National Audit Office had changed the way 'Value for Money' work was conducted. It was hoped this would lead to more meaningful and timely reporting as well as maximising the value from the auditors' work and provide more freedom to reflect local context. This would however, necessitate additional requirements from each audit. There would be a need for more extensive reporting assessing the Council's adequacy of arrangements. There would need to be commentary on any weaknesses or areas needing improvement. They would also now be formally required to follow up on identified weaknesses. This would be more challenging going forwards since audits would be much broader in scope and require more engagement with the Audit Manager. As a result there would be a cost implication to the Council but the precise details were not known yet, although a fee increase in the region of between 10 and 15% was expected.
- The statutory deadline for signing off the accounts was the end of November 2020. Grant Thornton would accept an electronic signature from the Leader in addition to email confirmation.

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

#### 68. **IDENTIFICATION OF ITEMS FOR THE NEXT MEETING (01:34:00)**

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

- Local Restrictions – Grants

(The meeting ended at 7.04 pm)

**CHAIRMAN**



Response from the Audit Committee Chairman with regard to the questions raised during Public Question Time at the Audit Committee on 17 November 2020.

It is the Audit Committee's role to ensure that corporate and service risk is identified and managed and systems are put in place to report on and mitigate all controllable activities. As I am sure all members are aware an external commission was procured that looked in to both **Governance** and **Financial Viability** of the company.

These 2 commissions were reported to the Cabinet, Scrutiny and the Audit Committee – in all, 33 recommendations were made and I am assured that most of these actions have been implemented or are being progressed. I see this as a key control mechanism and my Committee is very interested in this progress and would be asking searching questions if it wasn't being provided.

The 3 questions that you have raised are items of company performance and as such are in my opinion within the domain of the Shareholder (exercised by the Cabinet) it would only then be subject to review of the Audit Committee if it was felt that risks were not being sufficiently managed.

It would currently appear that the 3 issues that you have identified are either being controlled by the existing company processes, or are being dealt with, by the officer and member group working on the previously mentioned reports considered by Cabinet, Scrutiny and Audit. My Committee is currently gaining assurance from the now monthly progress reports being provided to Cabinet which is reporting on both individual project performance and also providing commentary on progress against the 33 recommendations.

From a control and reporting perspective my Committee takes reassurance from the fact that external accountants provide monthly financial management reports to the company and ensures all key transactional processes are complied with and then delivers annual accounts at year end in full compliance with all relevant regulatory requirements. My Committee is also aware of the internal process where loan interest is calculated in full accordance with the loan agreement terms and is billed to the company on a quarterly basis.

Finally, I also now welcome the opportunity to discuss any other outstanding queries that Members have at the joint working group meeting of Scrutiny and Audit which is scheduled for 11 January 2021.

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## **MID DEVON DISTRICT COUNCIL**

**MINUTES** of a **MEETING** of the **ENVIRONMENT POLICY DEVELOPMENT GROUP**  
held on 3 November 2020 at 5.30 pm

### **Present**

#### **Councillors**

B G J Warren (Chairman)  
E J Berry, W Burke, D R Coren,  
Miss J Norton, R F Radford, R L Stanley,  
L D Taylor and J Wright

### **Also Present**

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

R M Deed and C R Slade

### **Also Present**

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

Stephen Walford (Chief Executive), Jill May (Director of Corporate Affairs and Business Transformation), Darren Beer (Interim Group Manager Street Scene and Open Spaces), Andrew Busby (Group Manager for Corporate Property and Commercial Assets), Catherine Yandle (Group Manager for Performance, Governance and Data Security), Rob Fish (Principal Accountant), Vicky Lowman (Environment and Enforcement Manager), Clare Robathan (Scrutiny Officer) and Carole Oliphant (Member Services Officer)

## **35 APOLOGIES AND SUBSTITUTE MEMBERS (0.02.56)**

There were no apologies or substitute members

## **36 REMOTE MEETINGS PROTOCOL (0.03.07)**

The Group had before it, and **NOTED**, the \*Remote Meetings Protocol.

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

## **37 DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (0.03.31)**

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

## **38 PUBLIC QUESTION TIME (0.03.57)**

There were no questions from members of the public present

## **39 MINUTES OF THE PREVIOUS MEETING (0.04.15)**

The minutes of the previous meeting held on 19<sup>th</sup> October 2020 were agreed as a true record

#### 40 **CHAIRMAN'S ANNOUNCEMENTS (0.04.54)**

The Chairman informed the meeting that the Cabinet had followed the recommendation of the Group with regard to the PSPO and that he and the Cabinet Member for the Environment would find a way forward to progress the PSPO. He explained that a revised PSPO would be brought back to the Group.

The Cabinet Member for the Environment explained that much of the redrafting work had already been completed and that it was hoped a special meeting of the Group could be convened in January.

The Chairman further explained that he had been in discussions with the Legal Services team and that advice would be provided to members on the different forms of legislation available and this would be discussed at the January meeting.

#### 41 **CABINET MEMBER FOR CLIMATE CHANGE (0.09.26)**

The Group Manager for Property Services and Commercial Assets gave an update to the Group on the Council's Climate Change Action Plan.

He explained that the Climate Handbook was near completion and that there had been communication with companies to provide car share schemes, electric bikes and additional electric car charging points.

The officer informed the Group that the Devon Climate Change Plan was due to go out to public consultation in December for a period of 10 weeks and that it would be brought before the Group in January so that the comments of Members could be included.

He explained that the Climate Change Officer post had been agreed and was due to be advertised shortly. The Cabinet Member for Climate Change had been speaking to universities with regard to funding and a Green Homes bid was being worked on.

He informed the meeting that additional funding was being sought for additional electric car charging points and that the solar array at Carlu Close was now live.

Consideration was given to:

- The Climate Change Action Plan concentrated on funding streams in the first 4 years after which bigger projects would be developed and defined
- The Climate Change Action Plan was a living document which would be regularly updated
- There was a robust procurement exercise completed for the installation of solar panels at Carlu Close and officers were satisfied with the supplier eventually chosen
- Officers would investigate the possibility of working with retailers to install electric car charging points at the larger retail sites in the District

## 42 DRAFT BUDGET (0.21.47)

The Group had before it, and **NOTED**, a \*report of the Deputy Chief Executive (S151) presenting the initial draft 2021/2022 Budget and options available in order for the Council to set a balanced budget and agree a future strategy for further budget reductions for 2022/23 onwards.

The Principal Accountant explained that this was the first iteration of the General Fund Budget and that the Medium Term Financial Plan was due to go to the Cabinet on 3<sup>rd</sup> December 2020.

The officer outlined the contents of the report stating that we were living in unprecedented times and the difficulties that were faced in considering a draft budget for 2021-22; this was the final year of a four year fixed funding settlement, there was uncertainty with Business Rates, the rural settlement payment, the New Homes Bonus and interest rates and that the pandemic had had a significant impact on service income. General assumptions had been provided in the report, the overall proposed deficit was shown in the report as was the impact of the pandemic on business and the standard pressures. There was a need to work with officers to make significant savings across the board and to consider revenue opportunities.

He explained that there may be a need to look at the Council's statutory services and downgrade them from the current platinum service to a silver service but this would be dependant on the priorities of Members. He explained that MDDC were currently a high performing Council and that it was a question of, if monies could be saved this way and would Members want that.

The Chief Executive stated that the dilemma for Members was what level of service they wanted to provide against what the Council could afford. He stated that the Council could provide a minimum service level or an enhanced level at an additional cost.

Consideration was given to:

- Queries with regard to 3 Rivers financing
- Queries with regard to Climate Change initiatives within the budget
- Queries with regard to the increase in the open spaces budget

The Principal Accountant stated he would provide written answers to the queries raised by Members.

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

## 43 FINANCIAL MONITORING (0.58.26)

The Principal Accountant provided the meeting with a verbal report with regard to income and expenditure to date. He stated that Month 5 reporting showed a forecast deficit reduction of £1,177k to £41k as more details had been received on income streams from the Government re Covid.

#### 44 REFUSE WASTE OPTIONS (1.06.59)

The Group had before it a \*report of the Interim Group Manager for Street Scene and Open Spaces which reviewed the need to increase recycling in the District in line with the government guidelines to recycle 65% of household waste by 2035 and Devon's proposed 60% target rate by 2025.

The Officer explained possible options for future waste and recycling collections following a review carried out by WYG Consultancy including a proposed trial to ascertain viability.

He explained that East Devon District Council was one of the first to move to 3 weekly collections in 2015 and he and the Cabinet Member for the Environment were due to meet with their officers to discuss the benefits and pitfalls of the scheme.

He gave a background to the proposed trial and explained that it would take place in both urban and rural areas. He explained that pre and post surveys would take place.

Consideration was given to:

- Members concerns with regard to the ability of some communal areas to store bins and the need to individually assess these properties for alternative solutions
- Members concerns about the numbers of disposable nappies which would accumulate over a 3 week period and if there were any schemes available to recycle these
- The need to increase the education programme and getting the message to school children
- The increased costs and carbon footprint of increasing recycling collections to weekly
- The importance of following up education with enforcement for people who do not comply

It was therefore **RECOMMENDED** to the Cabinet that:

- The options in the report be considered; and
- Authority should be given for the Service to complete a trial to a limited number (around 1000) of households for a minimum of three months

(Proposed by the Chairman)

**Reason for the Decision** – To enable the Council to increase its household recycling rates in line with government guidelines.

#### Notes:

- i.) Cllrs W Burke and L D Taylor requested that their abstention from voting be recorded
- ii.) \*report previously circulated and attached to the minutes

#### 45 UTILISING COMMUNITY PAYBACK SERVICE USERS IN MID DEVON (1.53.49)

The Group had before it, and **NOTED**, a \*report of the Interim Group Manager for Street Scene and Open Spaces presenting the key aspects in utilising service users provided by DDCCRC (Dorset, Devon and Cornwall Community Rehabilitation Company).

The Officer explained that Community Payback was a punishment and a way that individuals could payback to the community. The Courts sentenced individuals to between 40-300 hours dependant on the seriousness of the crime and the service users record.

He explained that during the current restrictions the service would need to be concentrated in the Towns where welfare facilities were available.

Consideration was given to:

- Members support of the initiative
- The types of work that the service could provide and the quality of the work completed

The Cabinet Member for the Environment explained that the initial thought would be to replace the weed busting team but that all Members would be able to apply for completion of projects in their wards. He hoped that Members would apply for the use of the service.

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

#### 46 WASTE AND RECYCLING AND DISTRICT OFFICER UPDATE (2.11.17)

The Group had before it, and **NOTED**, a \*report of the Interim Group Manager for Street Scene and Open Spaces presenting future options within the Street Scene Education and Enforcement Services and Recycling Service.

The Officer explained that it was not currently possible to recycle coffee pods as they were made of mixed materials but the report had provided details of how the manufacturers of these pods provided recycling options for their users.

He explained that it was possible for residents to recycle metal trays, pots and pans and that the Council was currently looking at capacity before the initiative would be made public. He confirmed that since the introduction of WEEE recycling and it is estimated over 6 tonnes had been collected.

The Environment and Enforcement Officer explained that officers were waiting for answers to questions from East Hampshire DC who had been approached to provide a trial private enforcement service for the issuing of fixed penalty notices. She explained that the aim of the trial would be to reduce street littering and dog fouling at a cost neutral service. She further explained that the provider had indicated that it would not be able to provide a cost neutral service with the current level of FPN's issued in the District and this would need to increase to 250 FPN's a month: any less than this per month would see cost implications for the Council.

The officer then provided an update on Protection Equipment for District Officers and that they were actively seeking information about possible devices.

The Chief Executive informed the meeting that the Use of CCTV policy would be presented to the Community PDG in November which would have a bearing on how all forms of surveillance camera systems could be used.

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

#### 47 **PERFORMANCE AND RISK (02.25.00)**

The Group had before it a \*report of the Group Manager for Performance, Governance and Data Security providing updated information on the performance against the Corporate Plan and local service targets for 2020-21.

The officer outlined the contents of the report stating that all the Environment measures were at or close to target.

She explained that progress was being made on the Climate Change agenda and that a set of proposed measures was now included.

She explained that the report detailed new performance measures which were to be included in the Corporate Plan Performance Framework and offered Members the opportunity to express their views on the proposals.

Consideration was given to:

- Members concerns that the measures for Homes repairs had been reduced and should remain at 100%

It was therefore **RECOMMENDED** to the Cabinet that:

- The Corporate Plan Performance Framework be approved with the exception of the following measures in the Homes Portfolio which should be reset to 100%:
  - KPI Item 40 – Emergency repairs
  - KPI Item 41 – Urgent repairs
  - KPI Item 42 – Routine repairs
  - KPI Item 43 – Repairs appointments kept

(Proposed by the Chairman)

**Reason for the Decision** – To ensure that the Corporate Plan priorities and targets are effectively monitored so that key business risks can be mitigated effectively

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



#### 48 IDENTIFICATION OF ITEMS FOR FUTURE MEETINGS

Members requested an update on the following for the next scheduled meeting of the Group:

- Private Enforcement
- Protection for the District Officers following consideration of the CCTV report

(The meeting ended at 8.06 pm)

**CHAIRMAN**

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## MID DEVON DISTRICT COUNCIL

**MINUTES** of a **MEETING** of the **HOMES POLICY DEVELOPMENT GROUP** held on 10 November 2020 at 2.15 pm

### **Present**

#### **Councillors**

R J Dolley (Chairman)  
Mrs E M Andrews, J Cairney, S J Clist, D R Coren,  
L J Cruwys, C J Eginton, S J Penny and Mrs C P Daw

### **Also Present**

#### **Councillors**

R M Deed, R Evans and B G J Warren

### **Present**

#### **Officers**

Jill May (Director of Corporate Affairs and Business Transformation), Simon Newcombe (Group Manager for Public Health and Regulatory Services), Claire Fry (Group Manager for Housing Services), Ian Chilver (Group Manager for Financial Services), Tristan Peat (Forward Planning Team Leader), Catherine Yandle (Group Manager for Performance, Governance and Data Security), Roderick Hewson (Principal Accountant) and Sarah Lees (Member Services Officer)

## **27 Apologies and Substitute Members**

There were no apologies for absence.

## **28 Protocol for remote meetings**

The protocol for remote meetings was noted.

## **29 Public Question Time (00:03:00)**

Nick Quinn, a local resident, asked the following questions:

Firstly, regarding Agenda item 5, Minutes of the last meeting:

The last time you met in normal session, back in September, I asked you what you intended to do about the £600,000 that was being taken from the Housing Revenue Account to settle a 'long running contractual dispute'. My question was not answered.

There is an error in the minutes. For the Financial Monitoring report, the minutes state: *"With regard to the Housing Revenue Account, the predicted deficit was just over £1m with the vast majority of this being related to the loss of housing rental income"*.

I have listened to the recording of the verbal statement. The Officer said "the previous reported deficit of £410,000 (for potential Covid-19 loss of rental income)

has been raised to just over £1 million. The reason for this is the £600,000 settlement of the contractual dispute.”

These draft minutes are incorrect. The settlement amount was the major figure, not the loss of housing rental income. The sentence should end: *the majority of this being related to the settlement of a long running contractual dispute.*

My question to you is: **Please will you correct the minutes to reflect this?**

Secondly, regarding Agenda item 10 – HRA Budget:

I should like an explanation of two of the entries in the ‘Homes PDG HRA Budget and MTFP Report’ – Appendix 1.

In the ‘*Analysis by service*’ table, there are two entries, both for the same amount:

In Income:

Code: SHO11 *Capital Contributions relating to Palmerston Park* for £733,519

And in Accounting entries ‘below the line’:

Code: SHO44 *Capital Grant Unapplied Cr Hora* for £733,519

My question to you is: **Please would you explain, in ‘layman’s terms’, what these two entries mean?**

In relation to Mr Quinn’s first point about a question regarding £600k not being answered at the previous meeting, the Chairman stated that he was responsible for this in that the matter was a ‘confidential area’.

He also indicated that the question regarding the draft minutes from the previous meeting would be dealt with at item 5.

Note: A response to Mr Quinn’s second question regarding the HRA Budget was provided by the Accountant at item 10 on the agenda.

### 30 **Declaration of Interests under the Code of Conduct (00:07:00)**

The following interests were declared:

- Cllr Mrs E Andrews declared a personal interest in that she is a council tenant.
- Cllr S Clist declared a personal interest in that he had received correspondence from members of the public regarding items on the agenda.
- Cllr Mrs C Daw declared a personal interest in that she lives in Palmerston Park.
- Cllr R J Dolley declared a personal interest in that Palmerston Park is in his Ward.

### 31 Minutes (00:10:00)

Discussion took place regarding the accuracy of the minutes in relation to an issue raised in Public Question Time.

It was **AGREED** that the minutes of the meeting held on 15 September 2020 were a correct record subject to the following amendments:

a) Minute 21 – last bullet point to be amended to state:

“With regard to the Housing Revenue Account, the predicted deficit was just over £1m. This relates to the settlement of a long standing contract dispute and the potential loss of housing rental income due to the pandemic”.

b) Minute 17 be amended to state that “Cllr Mrs Eileen Andrews **is** a council tenant.”

### 32 Chairman's Announcements (00:19:00)

The Chairman had no announcements to make.

### 33 Performance and Risk Report (00:19:10)

The Group had before it, and **NOTED**, a report \* from the Group Manager for Performance, Governance and Data Security providing Members with an update on performance against the Corporate Plan and local service targets for 2020/2021 as well as providing an update on the key business risks.

The Group were asked to consider and comment upon the draft Key Performance Indicators (KPI's) in Appendix 4. It was explained that these were listed since they were relevant to the new Corporate Plan. The KPI's particularly relevant to this Group, being at lines 28 to 43, were highlighted.

It was further explained that the Environment Policy Development Group had considered the same report and appendices and had made the following recommendation to the Cabinet regarding KPI's within the housing area:

- The Corporate Plan Performance Framework be approved with the exception of the following measures in the Homes Portfolio which should be reset to 100%:
  - KPI Item 40 – Emergency repairs
  - KPI Item 41 – Urgent repairs
  - KPI Item 42 – Routine repairs
  - KPI Item 43 – Repairs appointments kept

The Group Manager for Public Health and Regulatory Services explained that there were sound reasons as to why the targets for these particular indicators were currently set at 95%. Many different factors affected performance such as an ability to gain access to a property which was often outside of the control of the Council. He further explained that the regulator did not expect a performance target of 100% and in fact would become suspicious if it were so. However, with regard to the

Emergency repairs KPI, it was possible to support a move from 95% to 100% since this was realistically achievable.

It was therefore:

**RECOMMENDED** to the Cabinet that:

- i. The KPI in relation to 'Emergency repairs' be amended from 95% to 100% but that the KPI's in relation to 'Urgent repairs', 'Routine repairs' and 'Repairs appointments kept' be retained at 95%.
- ii. All other KPI's within Appendix 4 be approved.

(Proposed by Cllr C Eginton and seconded by Cllr S Penny)

Reason for the decision:

Performance indicators needed to be realistic and if performance was not monitored the Council might fail to meet its corporate and local service plan targets or to take appropriate corrective action where necessary. If key business risks were not identified and monitored they could not be mitigated effectively.

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

#### 34 **Financial Monitoring (00:31:00)**

The Group Manager for Finance provided the Group with a verbal month five monitoring report. This included the following key pieces of information:

- Month 5 reporting showed a forecast deficit reduction of £1,177k to £41k.
- These were uncertain times and the forecast would fluctuate from month to month.
- The various tranches of government funding were explained including additional furlough monies. This needed to be evaluated against forecast income losses.
- An increased deficit in relation to the Lifeline Alarm System was forecast.
- There was a small increase in the deficit on the HRA of approximately £20k relating to salary costs.

It was **AGREED** that in future a written financial monitoring report be provided with the agenda pack for each meeting and that any late or updated information be provided verbally at the meeting itself.

#### 35 **Draft 2021/2022 General Fund and Capital Budgets (00:43:00)**

The Group had before it, and **NOTED**, a report \* from the Deputy Chief Executive (S151) considering the initial draft 2021/2022 budget and the options available in order for the Council to set a balanced budget and agree a future strategy for further budget reductions for 2022/2023 onwards,

The contents of the report were outlined with the following pieces of information being highlighted:

- The initial aggregation of all service budgets currently indicated a General Fund budget gap of just over £3m, however the Council had a statutory duty to set a balanced budget.
- The Medium Term Financial Plan would be presented to the Cabinet on 3 December 2020.
- The budget for the current year had been set without consideration of the Covid 19 effects, however, the budget for next year would take account of this.
- The Group were referred to a detailed breakdown of the service areas that reported to it.
- There were budget pressures on all sides including income and government funding as well as a Business Rate reset.
- Central government funding for next year was expected to be announced in early December.
- The draft budget before the Group had been put together before the announcement of a second lockdown.

A brief discussion took place with regard to the difficulties involved in trying to forecast predicted income losses from car parking which were currently stated as being £58k. However, it was stated that parking had recovered far better than expected.

The next iteration of the draft budget would take a fresh look at all the numbers and would also take into consideration the effects of the second lockdown.

The Chairman thanked the Group Manager for Financial Services and his team for all their hard work in trying to bring the budget forward.

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

### 36 **Housing Revenue Account (HRA) Budget 2021/2022 and onwards (00:54:00)**

The Group had before it, and **NOTED**, a report \* from the Deputy Chief Executive (S151) and the Group Manager for Public Health and Regulatory Services presenting proposals for the first draft of the Housing Revenue Account budget for 2021/22 and the HRA Medium Term Financial Plan for 2021 to 2026.

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

- Currently the draft HRA budget was showing a balanced position.
- Rent policy set out by central government stated that existing rents must be increased annually by the previous September's Consumer Price Index (CPI), plus an additional 1%. Applying this calculation would give a rent increase next year of 1.5%.
- The full effect of the pandemic on the HRA was unknown.

In response to the question posed during Public Question Time, the Accountant explained that the two equal and opposite entries of £733,519 were required by statute and were for presentational purposes only. The entries represented grant funding received from Homes England to support capital expenditure that occurred in 2019/20. Since the entries cancelled one another out, there was no financial impact on the HRA itself, although it was an accounting requirement that Mid Devon show

these amounts as a credit in the top section of the HRA and a debit in the bottom section.

Consideration was given to the proposed freezing of garage rents and the general poor condition of some garages within particular Wards. It was explained by the Group Manager for Public Health and Regulatory Services that the overall plan for garages, as part of a revised programme, would take place shortly. This would include consideration of factors such as current levels of rent, re-lets, voids and development opportunities. The matter needed to be thoroughly considered in its entirety and preliminary proposals would be brought back to the Group for consideration.

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

### 37 **Community Led Housing Fund Grant Policy and Project Group (01:04:00)**

The Group had before it a report \* from the Group Manager for Housing and the Forward Planning Team Leader. The contents of the report were outlined with reference to background and context of the Project Group.

It was explained that the Council had received a Community-Led Housing Fund grant of £131,359 of which £108,360 remained unallocated.

Discussion took place regarding:

- Possibly extending the membership of the Project Group to include the Chairman of the Homes Policy Development Group and one other member of the Group.
- The need for a Rural Housing Policy versus the mechanisms already in place to address this issue.

**RECOMMENDED** to the Cabinet that:

Section 11.1 of the Community-Led Housing Fund Guidance and Criteria (Appendix 2), which provides the framework for the allocation of grants, is amended so that the Community Housing Fund Project Group membership includes:

The Cabinet Member for Housing, the Cabinet Member for Planning and Economic Regeneration, the Group Manager for Housing Services, the Head of Planning, Economy and Regeneration and the Housing Enabling and Policy Officer.

(Proposed by Cllr C Eginton and seconded by Cllr R J Dolley)

Reason for the decision:

The Homes PDG had set up the Community Housing Fund Project Group in 2018 to consider requests made to the Council for financial support from the Community Housing Fund. There is a need to amend the membership of the Community Housing Fund Project Group to reflect that the Council's housing enabling role has been moved from the Housing Service to the Planning Service.

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



- (ii) A proposal to add the Chairman of the Policy Development Group and a member of the Group to the membership list of the project Group was not supported.
- (iii) Cllr S Clist requested that his vote against the recommendation be recorded.

### 38 **Housing Policy Framework Report (01:33:00)**

The Group had before it, and **NOTED**, a report \* from the Group Manager for Public Health and Regulatory Services providing an update on plans to deliver a shared policy framework bringing together policies owned and operated by the Building and Housing Services. The new arrangements relating to policy should ensure that it is more closely aligned to the Regulatory Framework for Social Housing and deliver greater consistency in approach.

It was explained that the Building and Housing Services had developed a large number of policies which had been adopted by the Council. Many of these now needed updating in order to bring them into line with new legislation and/or regulatory requirements. A significant programme of service improvement was being commenced to bring those services responsible for improvement and maintenance of the Council housing stock more closely together. It was proposed to create 'One Housing' service. A shared policy framework was an important strand of that improvement work because it would deliver consistency across the services accounted for within the HRA.

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

### 39 **Housing Service Delivery Report (01:40:00)**

The Group had before it, and **NOTED**, a report \* from the Group Manager for Housing Services and the Group Manager for Public Health and Regulatory Services providing an update on enforcement and other activity undertaken by officers in the Housing Service.

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

- The service was currently reaching out to all its tenants to check they were okay during the pandemic. The most elderly were being contacted first and Leisure Service staff were providing support to the Housing Service with this process.
- An increase in work due to anti-social behaviour.
- A pause in pursuing evictions at the current time.
- Income recovery had been less affected than expected as a result of the pandemic.
- There had been more safeguarding referrals.
- Housing staff were receiving very positive feedback for the support and understanding they were showing tenants.

The Group **AGREED** that they were happy with the current format of this regular update.

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

#### 40 **Housing Tenant Census Report (01:50:00)**

The Group had before it, and **NOTED**, a report \* from the Group Manager for Housing Services and the Group Manager for Public Health and Regulatory Services providing feedback from the tenant census which was recently undertaken in line with the specific expectations of the regulatory framework. The results of the survey will inform the direction of travel with regard to the future review of the strategy and policy relating to tenant involvement and also proposals relating to internal changes to the structure of the landlord service.

Further information within the report was summarised with particular reference to:

- There had been a response rate of 42%, meaning that 1276 responses had been received out of a possible 3000 tenants.
- Those responding to the survey had been asked a number of questions relating to diversity which could provide some useful feedback.
- Analysis of the data supplied was being undertaken. 9% had responded by email and it had been noted that the majority of those who had had been younger tenants..
- Repairs and maintenance continued to be viewed as the most important service.

Members of the Group had received very positive feedback from constituents about the work and support of housing officers. Comments had been made that tenants were being listened to. The Group wished for their thanks and congratulations to be passed back to staff within the service. The Group Manager for Housing Services said that she would do this and that she was very proud of her staff.

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

#### 41 **Identification of items for the next meeting (02:04:00)**

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

- Condition and future use of Council owned garages
- Rural Housing Development Policy
- Access to housing for homeless people

(The meeting ended at 4.26 pm)

**CHAIRMAN**

## **MID DEVON DISTRICT COUNCIL**

**MINUTES** of a **MEETING** of the **ECONOMY POLICY DEVELOPMENT GROUP** held on 5 November 2020 at 5.30 pm

### **Present**

#### **Councillors**

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

### **Also Present**

#### **Councillors**

R J Chesterton, R M Deed, R Evans, B G J Warren and  
Mrs N Woollatt

### **Also Present**

#### **Officers**

Stephen Walford (Chief Executive), Jenny Clifford (Head of Planning, Economy and Regeneration), Adrian Welsh (Group Manager for Growth, Economy and Delivery), Ian Chilver (Group Manager for Financial Services), Catherine Yandle (Group Manager for Performance, Governance and Data Security), 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)

## **34 APOLOGIES AND SUBSTITUTE MEMBERS**

There were no apologies for absence.

## **35 PROTOCOL FOR REMOTE MEETINGS**

The protocol for remote meetings was noted.

## **36 PUBLIC QUESTION TIME**

There were no members of the public present.

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

No interests were declared under this item.

## **38 MINUTES**

The minutes of the meeting held on 10 September 2020 were confirmed as a true and accurate record.

## 39 CHAIRMAN'S ANNOUNCEMENTS

The Chairman stated that today was day 1 of a second national lockdown. The report at item 11 on the agenda regarding COVID19 had been written before there had been any suggestion of this happening therefore it was to be assessed in the light of that. At the last meeting there had been general agreement that there were some signs of economic growth however, since then, things had changed dramatically.

## 40 PRESENTATION FROM PHIL MAYER FROM HYDROMATCH (00:02:00)

Mr Phil Mayer from Hydromatch attended the meeting to provide the Group with a presentation on the proposed hydroelectric scheme at Tiverton Town Weir.

Before the presentation began the Chairman reminded the Group that this was now a live planning application and that any concerns regarding the scheme would have to pass through the correct channels in terms of the planning process.

The presentation provided the following information:

- Tiverton Town Council had initially asked for an investigation to take place regarding the possibility of a hydro scheme.
- There was a drop of 2 metres across the weir.
- Flood defence work had taken place in the 1960's to reinforce the weir.
- 2 options had been considered, one to create a substation located in the car park at Westexe South and one to connect the scheme to Phoenix House.
- 4 scenario's had been investigated in terms of the technology needed in relation to the water flow and in each case the cost/benefit of each scenario was assessed. One of these scenario's involved a traditional turbine arrangement which would require a fish protection scheme. Another considered the Archimedes Screw principle. The River Angling Association had been consulted in relation to maintaining the ecological diversity of the river. Fish stocks included eels, lamprey, salmon and sea trout. The developers had received advice from an independent panel of fish experts.
- Projected rainfall figures had been included within their analyses.
- Detailed discussions had been held with the Environment Agency.
- Development costs included a budget of £820k.
- Energy outputs had been mapped in order to project annual energy yields.

Discussion took place regarding:

- What mitigations would be in place should a large tree branch come floating down the river, this would need to be managed especially around the weir.
- The amount of noise that is generated by hydroelectric installations.
- Detailed information would be provided to the Planning Committee in due course.
- The impact on other leisure pursuits.
- Ongoing costs into the future.
- Expected lifetime of the scheme which was currently estimated to be circa 40 years.
- Costs 'versus' the energy created.

The Chairman thanked Mr Mayer for providing an interesting presentation to the Group.

#### 41 **PERFORMANCE AND RISK REPORT (00:56:00)**

The Group had before it, and **NOTED**, a report \* from the Group Manager for Performance, Governance and Data Security providing it with an update on performance against the Corporate Plan and local service targets for 2020-2021 as well as providing an update on the key business risks.

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

- The Group were asked to review the measures suggested for inclusion in the Corporate Plan Performance framework.
- Many risks, including the Economy ones, had been affected by COVID19 and were now scoring higher than before.

**RECOMMENDED** to the Cabinet that the measures suggested for inclusion in the Corporate Plan Performance framework (at appendix 4) be approved.

(Proposed by the Chairman)

Reason for decision:

If performance is not monitored the Council may fail to meet its corporate and local service plan targets or to take appropriate corrective action where necessary. If key business risks are not identified and monitored they cannot be mitigated effectively.

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

#### 42 **FINANCIAL MONITORING (01:02:00)**

The Group Manager for Finance provided the Group with a verbal update regarding the financial position so far in the year and highlighted the following key pieces of information:

- At the end of July the forecasted deficit had been £1.2m, by the end of August this had reduced to £41k. One reason for this was that in July no allowance had been made within the figures for the Income Compensation Scheme.
- The second lockdown would have yet another severe effect upon income most particularly within Leisure Services.
- The 4 tranches of COVID funding were outlined.
- Car park income had improved and was better than had been expected.
- Areas of movement which were not specific to this Group included interest received on investments, the furlough and compensation scheme and revisions of expectations in relation to Business Rates and Council Tax.
- £7.6m had already been given in Business Rate Relief.
- A new set of grants had been made available as a result of the second lockdown.
- The Council would be sympathetic where it could with businesses that were struggling by providing support and suggesting deferrals if appropriate.

It was **AGREED** by the Group that in future the summary of financial monitoring for each relevant period be provided in hard copy within the agenda pack for the meeting.

#### 43 **DRAFT 2021/22 GENERAL FUND AND CAPITAL BUDGETS (01:24:00)**

The Group had before it, and **NOTED**, a report \* from the Deputy Chief Executive considering the initial draft 2021/2022 budget and the options available in order for the Council to set a balanced budget and agree a future strategy for further budget reductions for 2022/23 onwards.

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

- This was the first iteration of the General Fund budget for next year. The Finance team were also in the process of preparing a Medium Term Financial Plan for next year and the following 4 years.
- Currently there was a predicted deficit of just over £3m.
- There was ongoing uncertainty over the Fair Funding Review.
- Funding pressure as a result of COVID19, income streams were unlikely to recover.
- The draft budget had been prepared on the basis that there wouldn't be any further lockdowns. The draft budget as presented had now been superseded by events.
- Other pressures on the budget including pay awards, property maintenance and the effect of Brexit.
- The legal duty to report a balanced budget despite these additional pressures and the effects of COVID19.

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

#### 44 **COVID 19 ECONOMIC RESPONSE UPDATE (01:47:00)**

The Group had before it, and **NOTED**, a report from the Head of Planning, Economy and Regeneration providing it with updated information regarding the Growth, Economy & Delivery team's latest COVID19 emergency economic and community response activities.

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

- The relevant figures in relation to the number of positive Coronavirus tests and the number of deaths within Mid Devon were reported.
- There had been a huge impact on the economy of the region. Businesses were very dependent on the support being provided by both national and local government. Many were adapting where possible.
- The extension of the furlough scheme had been greatly welcomed, however the late announcement of furlough extensions may have happened after businesses had already had to make commercial decisions regarding their staff.
- In general the government grant schemes announced as a result of the second lockdown were less generous than the first, the pots of money made available were smaller.

- There were 3 different categories of grant funds, these included lockdown support grants, a discretionary scheme and a sector focussed scheme. The detail of these had only been received the previous day. An FAQ document would be released next week. The application form had been prepared and was in line with other Devon local authorities.
- Government detail in relation to all these schemes had been received very late and in some cases hadn't been received at all yet.
- Fraud checks would now have to be completed both before and after payments had been made creating more administrative pressure. No fraud had been identified thus far in any payments made within Mid Devon as part of the previous grant schemes.
- The COVID19 Support Hub had now been reinstated for those people who previously would have been classed as needing to shield.
- All Clinically Extremely Vulnerable people would receive a letter from the Government providing guidance on what they were and were not allowed to do under the new lockdown rules. Individuals would be asked to register any support needs on a national website. Food packages are not being offered this time.
- Reopening High Streets Funds work continues however this will be reviewed as a result of the November Lock down in order that messaging is consistent with the change in circumstances. .
- Meetings were being held with Town Mayors to discuss the latest situation with regard to our town centres.
- Exeter Hill (Cullompton) pavement widening has been delayed and may need to be rethought owing to a lack of carriageway width to accommodate the initially proposed measures.
- The work of the Growth, Economy and Delivery team had been re-prioritised as a result of the second lockdown. This had had a significant impact upon the work of the team.

The Chairman thanked the team on behalf of the Group for their hard work and diligence during these challenging times.

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

#### 45 **IDENTIFICATION OF ITEMS FOR THE NEXT MEETING (02:13:00)**

The Group continued to request that priority be given to COVID19 related activities for the immediate future, this was particularly the case given the extent of the second wave and the second national lockdown. It was requested that this item be placed at the beginning of the agenda next time.

(The meeting ended at 7.45 pm)

**CHAIRMAN**

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## **MID DEVON DISTRICT COUNCIL**

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

### **Present**

#### **Councillors**

Mrs C P Daw (Chairman)  
Mrs E M Andrews, Mrs C Collis, E J Berry,  
W Burke, L J Cruwys, J M Downes,  
B Holdman and Mrs M E Squires

### **Also Present**

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

R M Deed, R J Dolley, R Evans, D J Knowles,  
Ms E J Wainwright and B G J Warren

### **Also Present**

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

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), Lisa Lewis (Group Manager for Business Transformation and Customer Engagement), Catherine Yandle (Group Manager for Performance, Governance and Data Security), Sally Gabriel (Member Services Manager) and Carole Oliphant (Member Services Officer)

## **38 APOLOGIES AND SUBSTITUTE MEMBERS (0.03.19)**

There were no apologies or substitute members

## **39 REMOTE MEETINGS PROTOCOL (0.03.28)**

The Group had before it, and **NOTED**, the \*Remote Meetings Protocol.

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

## **40 DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (0.03.39)**

Members were reminded of the requirement to make declarations where appropriate

## **41 MINUTES OF THE PREVIOUS MEETING (0.04.01)**

The Minutes of the Meeting held on 22nd September 2020 were approved as a correct record

## **42 PUBLIC QUESTION TIME (0.04.23)**

There were no questions asked by members of the public present.

#### 43 CHAIRMANS ANNOUNCEMENTS (0.04.32)

The Chairman reminded the Group of a special meeting on 8<sup>th</sup> December 2020 and that she had recently attended a Chairmans Skills training session.

#### 44 DRAFT BUDGET (0.05.17)

The Group had before it, and **NOTED**, a \*report of the Deputy Chief Executive (S151) presenting the initial draft 2021/2022 Budget and options available in order for the Council to set a balanced budget and agree a future strategy for further budget reductions for 2022/23 onwards.

The Deputy Chief Executive (S151) explained that this was the first iteration of the General Fund Budget and that it was set against very challenging times. He explained that the Council was looking at a budget gap of £3m and that the draft budget had been based on assumptions around income flows and Government funding. He informed Members that the Medium Term Financial Plan was due to go to the Cabinet on 3<sup>rd</sup> December 2020.

He explained the main income flows were council tax and business rates receipts but these were not expected to return to pre Covid levels for at least 12 months.

He explained that the Council was currently contacting the Town and Parish Council's with a request that they calculate their precept levels.

In response to a question asked about the viability of District Councils due to decreasing levels of funding from Central Government he stated that every council of every size was lobbying the Government for additional funding. He explained that the Council was lobbying the district MPs for additional funding, not because the Authority was failing but funding had been reduced in real terms by 50% over the last decade and that there was now a threat that services could be affected.

The Leader stated that there had been only one major failure of a Council in recent times but that there were many Authorities who were now in dire financial straits. That being said he did not feel that the Government was looking to introduce unitary councils at this point in time and that the white paper on local government reform had been put on the back burner for now.

In response to a question asked about the leisure centres the Deputy Chief Executive (S151) explained that the Council had dealt proactively with it's customer base and that they would reopen as soon as national guidance allowed. He stated that the Council could claim back 75% of lost income whilst the centres were closed through the Governments Income Support Scheme and that they had made use of the furlough scheme.

#### 45 FINANCIAL MONITORING (0.36.06)

The Deputy Chief Executive (S151) provided the meeting with a verbal report with regard to income and expenditure to date. He stated that September reporting

showed a forecast deficit of £50k as more details had been received on income streams from the Government re Covid. He stated that this was very close to budget.

He explained that the Council had made it's first claim of £600k from the Governments Income Support Scheme to cover 75% of the lost income from the leisure centres, car parks and building control.

#### 46 **USE OF CCTV POLICY AND GUIDANCE (0.42.36)**

The Group had before it a \*report of the Group Manager for Corporate Property and Commercial Assets setting out the CCTV Code of Practice, the CCTV Policy and the Action Plan.

The officer outlined the contents of the report and explained that the Tiverton CCTV system was funded, in part, by financial contributions from Tiverton Town Council and that the other funding came from operational budgets.

He explained that there were ongoing financial pressures which were detailed in the action plan and that a capital bid was ongoing with the Police Commissioner to address shortfalls with the Tiverton Town CCTV system.

Consideration was given to:

- Members requests that CCTV cameras be installed in the stairwells of the multi storey car park;
- Mobile cameras could only be installed if there was a pressing need and their deployment would be subject to a risk assessment which included a specific set of criteria;
- The single point of contact (SPOC) and the Governance Manager would complete a risk assessment before mobile cameras could be deployed;
- The CCTV camera's in the multi storey car park were at end of life and did not produce good quality pictures and would be replaced with high quality alternatives;
- The code of practice did not include the automatic use of body cams for District Officers and that any proposed use of these would need a data protection impact assessment. The ICO guidance stated that use of any cameras had to be proportionate and reasonable. This was especially hard to justify if they were fitted with an audio recording facility.

Therefore it was **RECOMMENDED** to the Cabinet that it recommends to Council that:

- a) The CCTV Code of Practice be adopted; and
- b) The CCTV Policy be adopted; and
- c) The CCTV Action Plan be adopted.

(Proposed by the Chairman)

**Reason for the Decision** – To ensure that the principles, purposes, operation and management adopted by the main public space CCTV system is mirrored across the whole of MDDC's service delivery operational area's.

Note: \*report previously circulated and attached to the minutes

#### 47 **WORKING GROUP - COMMUNICATION AND ENGAGEMENT STRATEGY (INCLUDING ACTION PLAN) (1.09.41)**

The Group had before it a \*working group proposal form which proposed to establish a small working group to look at the Communications and Engagement Strategy before it was formally presented to the PDG.

The Chairman explained that the proposal had originally been suggested by the previous chairman and that she was now proposing the creation of the working group.

Consideration was given to:

- A key priority in the Corporate Plan was to 'promote community involvement in Council activity'. The Council had a duty to consult and engage effectively with residents, partners, employees and other stakeholders when deciding about future changes to services and new developments.
- The Council must be encouraging two way communication. A review of the strategy would consider the progress made over the last two years and any further initiatives needed to increase community engagement.
- A review would also help pick up the request in Motion 564 brought to the Council meeting on 28 October which asked that the Community PDG identify and discuss approaches to reaching hard-to-reach communities in Mid Devon.
- Cllr Wainwright would also like to be involved as this fitted in with some of the Climate Change work she was doing, and that she also had experience of community engagement in her day job.

The Group **AGREED** to set up the Working Group.

(Proposed by the Chairman)

The Membership of the Working Group was agreed as: Cllrs Mrs E Andrews, E J Berry and B Holdman. Cllr Ms E Wainwright would be invited to contribute to the Working Group and Cllr Mrs C P Daw would observe.

**Reason for the Decision** – To consider new and innovative ideas for engaging residents in the development of services and informing customers and stakeholders on the work of the Council.

Note: \*proposal form previously circulated and attached to the minutes

#### 48 **PERFORMANCE AND RISK (1.15.13)**

The Group had before it a \*report of the Group Manager for Performance, Governance and Data Security providing updated information on the performance against the Corporate Plan and local service targets for 2020-21.

The officer outlined the contents of the report stating that the report detailed new performance measures which were to be included in the Corporate Plan

Performance Framework and offered Members the opportunity to express their views on the proposals.

Consideration was given to:

- The ongoing measures to look at complaints which included the recommendations from the Scrutiny Working Group and the Customer Care Policy would be reviewed in 2021 so the measures could be reviewed.

It was therefore **RECOMMENDED** to the Cabinet that:

- The Corporate Plan Performance Framework be approved

(Proposed by the Chairman)

**Reason for the Decision** – To ensure that the Corporate Plan priorities and targets are effectively monitored so that key business risks can be mitigated effectively

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

#### 49 **IDENTIFICATION OF ITEMS FOR THE NEXT MEETING (1.23.00)**

There were no items identified.

(The meeting ended at 3.39 pm)

**CHAIRMAN**

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## **MID DEVON DISTRICT COUNCIL**

**MINUTES** of a **MEETING** of the **COMMUNITY POLICY DEVELOPMENT GROUP**  
held on 8 December 2020 at 2.15 pm

### **Present Councillors**

Mrs C P Daw, Mrs E M Andrews, E J Berry,  
W Burke, L J Cruwys, J M Downes,  
B Holdman and Mrs M E Squires

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

Mrs C Collis

### **Also Present Councillor(s)**

R M Deed, R Evans, D J Knowles and Mrs N Woollatt

### **Also Present Officer(s):**

Jill May (Director of Corporate Affairs and Business Transformation), Lee Chester (Leisure Manager), Catherine Yandle (Group Manager for Performance, Governance and Data Security), Clare Robathan (Scrutiny Officer) and Carole Oliphant (Member Services Officer)

## **50 APOLOGIES AND SUBSTITUTE MEMBERS (0.02.45)**

Apologies were received from Cllr Mrs C Collis

## **51 VIRTUAL MEETING PROTOCOL (0.02.53)**

The Group had before them, and **NOTED** the \*Virtual Meeting Protocol

Note: \*Protocol previously circulated and attached to the minutes

## **52 DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (0.03.07)**

Members were reminded of the requirement to make declarations where appropriate

## **53 MINUTES OF THE PREVIOUS MEETING (0.03.28)**

The Minutes of the Meeting held on 17<sup>th</sup> November 2020 were approved as a correct record

## **54 PUBLIC QUESTION TIME (0.03.59)**

There were no members of the public present.

## **55 CHAIRMANS ANNOUNCEMENTS (0.04.06)**

The Chairman had no announcements to make

## 56 CORPORATE HEALTH AND SAFETY POLICY (0.04.13)

The Group had before it a \*report of the Group Manager for Performance, Governance and Data Security setting out the Corporate Health and Safety at Work Policy.

The officer outlined the contents of the report and explained that the Policy was the Council's overarching Health and Safety Policy and that additional operational policies sat underneath this.

She explained that the Policy had been agreed by the Health and Safety Committee in October and that although there had been a substantial reduction in the wording the content remained broadly the same as the previous version of the Policy.

It was therefore **RECOMMENDED** to the Cabinet that:

- The revised Health and Safety at Work Policy be adopted

(Proposed by Cllr J Downes and seconded by Cllr L Cruwys)

**Reason for the Decision:** In accordance with the Health and Safety at Works Act 1974 the Council had a duty to review its Health and Safety at Work Policy

Note: \*report previously circulated and attached to the minutes

## 57 UPDATE ON THE LEISURE CENTRE ELECTRONIC BOOKING SYSTEM (0.18.39)

The Leisure Manager gave Members an overview of the electronic booking system currently used by the Leisure Services by way of a presentation.

He explained that the current system had been in place since 2011 and that the system was accessible via a website and mobile app. He further explained that the mobile app version was more user friendly than the website offering.

The officer then provided Members with a demonstration of the mobile app offering. He explained that there were opportunities for improvement but this had been slowed by the current pandemic, that capital funds had to be reprioritised but there were funds held in the capital programme for 2022/2023 for an improvement to the system.

He explained that the MDDC leisure app was currently at beta stage and would be launched in January 2021.

Members then discussed the current offering and explained that it was not user friendly, that it did not remember the user and therefore each booking was treated as a new user. They felt that there were too many processes to go through to book a class or activity.

Members felt that officers needed to make a case to improve the system for customers and that they would support a case to increase funding for an enhanced IT offering.



The Cabinet Member for Support Services and Working Environment and the Cabinet Member for Community Wellbeing advised that they had been involved in the process for selecting a new CRM system. They advised that, along with officers, they could explore the possibility that it could be adapted to offer an enhanced on-line booking facility for the Leisure Centres.

The Leader agreed with this approach and advised that a report on the feasibility of incorporating an on line booking system into the new CRM would be brought back to the Community PDG at its January meeting.

The Group agreed that Cllrs Mrs C P Daw and J Downes would also be a part of the investigation.

**58 IDENTIFICATION OF ITEMS FOR THE NEXT MEETING (1.02.57)**

No additional items were identified.

(The meeting ended at 3.21 pm)

**CHAIRMAN**

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## **MID DEVON DISTRICT COUNCIL**

**MINUTES** of a **MEETING** of the **PLANNING COMMITTEE** held on 4 November 2020 at 2.15 pm

### **Present**

#### **Councillors**

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

### **Apologies**

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

S J Penny

### **Also Present**

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

R J Dolley

### **Present**

#### **Officers:**

Eileen Paterson (Group Manager for Development), Adrian Devereaux (Area Team Leader), John Millar (Principal Planning Officer), Sally Gabriel (Member Services Manager), Oliver Dorrell (Planning Officer), Philip Langdon (Solicitor) and Carole Oliphant (Member Services Officer)

## **85 APOLOGIES AND SUBSTITUTE MEMBERS (0.03.46)**

Apologies were received from Cllr S J Penny

## **86 REMOTE MEETINGS PROTOCOL (0.04.01)**

The Committee had before it, and **NOTED**, the \*Remoted Meetings Protocol.

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

## **87 PUBLIC QUESTION TIME (0.04.34)**

There were no members of the public present.

## **88 DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT (0.05.19)**

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

## **89 MINUTES OF THE PREVIOUS MEETING (0.05.31)**

The Minutes of the meeting held on 7<sup>th</sup> October 2020 were agreed as a true record.

90 **CHAIRMAN'S ANNOUNCEMENTS (0.06.32)**

The Chairman had no announcements to make.

91 **DEFERRALS FROM THE PLANS LIST (0.06.59)**

There were no deferrals from the Plans List.

92 **THE PLANS LIST (0.07.05)**

The Committee considered the applications in the \*Plans List.

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

**a) 20/00858/FULL - Erection of 9 dwellings with associated car parking and access at Mid Devon District Council, Park Road Nursery, Park Road.**

The Principal Planning Officer outlined the contents of the report by way of a presentation which detailed the site location plan, proposed block plan, bin/bike store, proposed site elevations, unit elevations, floor plans and photographs of the site and existing access.

He explained that the site was the former park nursery site which was now redundant with various out buildings and was sited within the conservation area.

He explained that local residents had expressed concerns with regard to highways safety and parking but the proposals included the required amount of parking and the Highways Authority had raised no objections. He detailed the tree protection measures in the application and confirmed that Tiverton Town Council had raised an objection due to over development of the site.

Consideration was given to:

- The importance of Condition 6 regarding foul and surface water drainage
- That each property had been provided with 2 parking spaces under the proposals
- That it was a previous Cabinet decision to dispose of the site with planning permission
- The tree plan included the periphery of the site
- Any speed restrictions on Park Road were the responsibility of the Highways Authority and could not be imposed by the Planning Authority
- Potential contamination on the site
- The site fell below the unit threshold for developer contributions towards open spaces and affordable housing
- The site was not in an Air Quality Management area
- That any planning permission awarded would remain with the land and was not personal to the applicant

It was therefore **RESOLVED** that: planning permission be approved subject to conditions as recommended by the Head of Planning, Economy and Regeneration.

(Proposed by the Chairman)

**Reason for the Decision – as set out in the report**

Note: Cllrs G Barnell, S J Clist and D J Knowles declared personal interests as they had been on the previous Cabinet which had made the decision to dispose of the site with planning permission

**b) 20/00964/FULL - Conversion of existing common room and communal areas to flat with garden and parking and construction of new vehicular access at Common Room, Brewin Road, Tiverton.**

The Principal Planning Officer outlined the contents of the report by way of a presentation which detailed the site location plan, existing plan, existing garden area, proposed floor plan and photographs of the existing layout and current parking arrangements on Brewin Road.

He explained that the property was a redundant common room area and that whilst the proposed new flat was small it did comply with the minimum size standards for a 1 bedroomed property. He explained a concern had been raised by a local resident with regard to the proximity of the proposed turning area to their flat and explained to Members that there was a degree of separation from the area and the flat concerned.

In response to Members questions the Planning Officer confirmed that current occupiers of the flats had been consulted and had requested that the proposed parking spaces were not allocated but were on a first come first served basis.

Consideration was given to:

- That screening from the parking area would not be practical
- The parking area would only be available for residents or visitors of the flats and signage stating this would be provided
- The views of the Ward Member who stated that the development would provide much needed housing in the area and that although the development would cause noise and disruption, he felt the residents would be able to cope with the short term inconvenience

It was therefore **RESOLVED** that: planning permission be approved subject to conditions as recommended by the Head of Planning, Economy and Regeneration.

(Proposed by the Chairman)

**Reason for the Decision – as set out in the report**

Note: Cllr R Dolley spoke as Ward Member

**c) 19/01932/FULL - Retention of change of use of shop into 1 ground floor flat (Revised Scheme) at Preston House, Bow, Devon.**

The Area Team Leader reminded Members of the application (considered at a previous meeting) by way of a presentation and stated that following a resolution by the Committee, officers had sought to obtain a reduction in the number of units

applied for. He confirmed that the applicant had amended the plans and that the application before the Committee had been amended to remove the shop and increase the ground floor flat size. This had reduced the number of total units on the development from 5 to 4 flats.

The officer explained that Bow Parish Council had objected and stated that the amended application had not gone far enough and that the total number of units on the site should be no more than 2.

The officer reminded Members that the applicant had originally applied for a parking area to the rear of the property which had been refused by the Highways Authority on grounds of visibility and width of access.

He stated that the shop would be refurbished under the revised scheme and included frosting to the lower part of the windows which would afford some privacy for occupants of the flat.

In response to Members questions regarding refused applications in 2018, the Area Team Leader confirmed that the 2018 applications were for a separate dwelling at the rear of the property and the conversion of the shop, neither of which were in front of the Committee at this time.

Members then questioned the car parking arrangements for the units and the officer confirmed that the Highways Authority had stated that the development would not cause significant issues due to the fact that there was a regular bus service directly outside the property. He confirmed that if Members were minded to refuse the application on the lack of parking provision then it was unlikely to be supported by the Highways Authority.

Consideration was given to:

- The upkeep of the rear amenity area would be the responsibility of the applicant
- The alleged damage to neighbouring buildings for works already completed was a civil issue and not within the scope of the Local Planning Authority to demand rectification
- The condition which required the rear parking area to be returned to its original state and the entrance be blocked to vehicular access through bollards and planters
- Condition 3 had been amended to include the provision of bike storage in the amenity area
- The views of the Parish Council which highlighted the exiting parking issues at the site and that any consent should include a condition that the rear amenity area be returned to its former state and parking area removed

It was therefore **RESOLVED** that: planning permission be approved subject to conditions as recommended by the Head of Planning, Economy and Regeneration subject to:

- Condition 6 being strengthened and the wording agreed with the Chairman and Vice Chairman of the Planning Committee

(Proposed by the Chairman)

**Reason for the Decision – as set out in the report**

Notes:

- i.) Cllrs G Barnell and S J Clist requested that their vote against the decision be recorded
- ii.) Cllr B G J Warren requested that his abstention from voting be recorded
- iii.) The Chairman read out a statement provided by Bow Parish Council

**d) 19/01933/FULL - Retention of conversion of first floor flat into two flats at Preston House, Bow, Devon.**

The Area Team Leader reminded Members of the application (considered at a previous meeting) by way of a presentation and stated that following a resolution by the Committee officers had sought to obtain a reduction in the number of units applied for. He confirmed that the applicant had amended the plans for the shop and that the application before the Committee was to approve the conversion of an existing four bedroomed flat into two, two bedroomed flats. He confirmed that the applicant had already started these works so the application was retrospective.

The officer stated that Bow Parish Council had objected and stated that the amended application had not gone far enough and that the total number of units on the site should be no more than 2.

The officer reminded Members that the applicant had originally applied for a parking area to the rear of the property which had been refused by the Highways Authority on grounds of visibility and width of access.

In response to Members questions regarding refused applications in 2018, the Area Team Leader confirmed that the 2018 applications were for a separate dwelling at the rear of the property and the conversion of the shop, neither of which were in front of the Committee at this time.

Members then questioned the car parking arrangements for the units and the officer confirmed that the Highways Authority had stated that the development would not cause significant issues due to the fact that there was a regular bus service directly outside the property. He confirmed that if Members were minded to refuse the application on the lack of parking provision then it was unlikely to be supported by the Highways Authority.

Consideration was given to:

- The upkeep of the rear amenity area would be the responsibility of the applicant
- The alleged damage to neighbouring buildings for works already completed was a civil issue and not within the scope of the Local Planning Authority to demand rectification
- The condition which required the rear parking area to be returned to it's original state and the entrance be blocked to vehicular access through bollards and planters

- Condition 3 had been amended to include the provision of bike storage in the amenity area
- The views of the Parish Council which highlighted the exiting parking issues at the site and that any consent should include a condition that the rear amenity area be returned to its former state and parking area removed

It was therefore **RESOLVED** that: planning permission be approved subject to conditions as recommended by the Head of Planning, Economy and Regeneration subject to:

- Condition 5 being strengthened and the wording agreed with the Chairman and Vice Chairman of the Planning Committee

(Proposed by the Chairman)

(Vote: 3 For, 3 Against, 4 Abstain – Chairman's casting vote)

**Reason for the Decision** – as set out in the report

Notes:

- i.) Cllrs G Barnell and S J Clist requested that their vote against the decision be recorded
- ii.) Cllr B G J Warren requested that his abstention from voting be recorded
- iii.) The Chairman read out a statement provided by Bow Parish Council

#### 93 **MAJOR APPLICATIONS WITH NO DECISION (2.20.06)**

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

The Group Manager for Development stated that application 20/01452/MOUT – cricket facility at Horn Road, Kentisbeare would be brought before the committee for determination alongside the application for the relief road in Cullompton.

Note: \*List previously circulated; copy attached to the minutes

#### 94 **APPEAL DECISIONS (02.31.15)**

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

Note: \*List previously circulated; copy attached to minutes.



95 **APPLICATION 20/00622/OUT 12 KABLE CLOSE, TIVERTON (OUTLINE FOR THE ERECTION OF 1 DWELLING) (2.31.40)**

At the Planning Committee on 9<sup>th</sup> September 2020, members deferred consideration of the application in order that a site visit could be conducted. The site visit took place on 18<sup>th</sup> September 2020.

At the Planning Committee on 23<sup>rd</sup> September members resolved that they were minded to refuse the application and requested an implications report setting out suggested reasons for refusal and associated implications. The Committee therefore had before it an \*implications report of the Head of Planning, Economy and Regeneration setting out the implications of refusal.

The Planning Officer reminded members of the application by way of a presentation which detailed the site location, indicative layout plan and photographs showing the existing garages.

The officer confirmed that the Highways Authority had visited the site and had raised no objections and were unlikely to support refusal on highways grounds.

Further consideration was given to:

- The wording of reason for refusal (a) did not need to include reference to an increase in traffic
- That the access was not of adequate width for the development
- The implications of the construction development which would result in unacceptable levels of disturbance to neighbouring properties

It was therefore **RESOLVED** that: the application be refused on the following grounds:

- A) The use of the access driveway to serve the proposed dwelling would, by reason of its inadequate width and awkward alignment with the public highway, be unsuitable for the proposed use, contrary to policies DM1 of the Mid Devon District Council Local Plan 2013-2033 and advice contained in the National Planning Policy Framework, in particular paragraphs 108(b) and 127(f).
- B) The proposed access to the site would result in an unacceptable level of disturbance for the occupiers of the nearby residential properties, contrary to Policy DM1 of the Mid Devon District Council Local Plan 2013-2033 and advice contained in the National Planning Policy Framework, in particular paragraph 127(f).

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

**Reason for the Decision** – as detailed above

Notes:

- i.) Cllrs E J Berry, Mrs F J Colthorpe, G Barnell, Mrs C P Daw, S J Clist, F W Letch, D J Knowles and R F Radford made declarations in accordance with the Protocol of Good Practice for Councillors dealing with planning matters as they had received letters from local residents
- ii.) Following the meeting the proposer and seconder confirmed that they would defend the decision at appeal if necessary
- iii.) \*implications report previously circulated and attached to the minutes

(The meeting ended at 5.09 pm)

**CHAIRMAN**

## MID DEVON DISTRICT COUNCIL

**MINUTES** of a **MEETING** of the **PLANNING COMMITTEE** held on 13 November 2020 at 1.00 pm

### **Present**

#### **Councillors**

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

### **Apologies**

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

S J Penny

### **Also Present**

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

R M Deed and R Evans

### **Present**

#### **Officers:**

Stephen Walford (Chief Executive), Jenny Clifford (Head of Planning, Economy and Regeneration), Kathryn Tebbey (Head of Legal (Monitoring Officer)), Eileen Paterson (Group Manager for Development) and Sally Gabriel (Member Services Manager)

## 96 **APOLOGIES AND SUBSTITUTE MEMBERS (00-03-24)**

Apologies were received from Cllr S J Penny who was substituted by Cllr C J Eginton.

## 97 **REMOTE MEETINGS PROTOCOL (00-03-27)**

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

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

## 98 **PUBLIC QUESTION TIME (00-03-45)**

Mr Byrom a local resident stated: I represent 250 residents of Sampford Peverell as the 'Rule 6 Party' in the appeal over the 60 houses at Higher Town, your agenda item 7.

The secrecy surrounding the report that you are to discuss leaves me having to guess what this meeting is about. Four possibilities come to mind:

1. Landscape issues arising from the decision on 29 July to change the settlement boundary in Policy SP2
2. Implications of the changed settlement boundary for the Section 106 agreement

3. The declaration by the Inspector back in June that it would be for the Council and for the Rule 6 Party to demonstrate that the highway works near the canal bridge must be determined at the Inquiry.
4. The rising costs of the Inquiry

Just over three months ago all was set for this Inquiry before it had to be postponed. But all the facts above about settlement boundaries and highways issues were known by then. Nothing has changed ... but I fear that officers have only recently noted the implications of one or more of these issues.

Question 1 – There have been no new developments in this appeal since early August, so why is this is all happening now?

My next point is simple. Members, any fears over the cost of this Inquiry stem from decisions made by your own senior officers last December.

The appellant asked the Inspectorate to decide this appeal by written statements, which is the quickest and cheapest process available.

It was officers of this Council that insisted that it be decided by an Inquiry, the most expensive model. I now fear that the costs of the Inquiry may be used to pressurise this Committee into dropping some aspect of its 'Reasons for Refusal'. But if the complexity of the issues warranted an Inquiry a year ago, they still warrant full attention at an Inquiry now. So ...

Question 2 – Officers, please will you explain why you opted for an Inquiry in the full knowledge that this would greatly increase the expense of the appeal in time, money and energy?

All this has to be based on guesswork. If I and other local residents were allowed to know the focus of today's agenda we could perhaps add information, insights and arguments that would help the Committee to make a fully informed decision.

For the third time in just over a year, you are effectively being asked to hide from us and to hide the issues from us – unless, of course, you vote not to go into closed session.

My final question is

Question 3 – If you do proceed in closed session, please will you inform me (and the appellant) of the outcome immediately this meeting ends?

Please answer these questions before you take a vote about going into closed session.

The Chairman indicated that responses would be given to Mr Byrom later in the meeting.

## 99 **DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT (00-09-05)**

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

## 100 MINUTES OF THE PREVIOUS MEETING (00-09-10)

Subject to the inclusion of a note to Minute 92(b) which highlighted a statement from Cllr S J Clist stating that he had had discussions with officers about the principles of developing void or unused areas but that this had not prejudiced or pre-determined his decision with regard to this application; the minutes of the previous meeting held on 4<sup>th</sup> November 2020 were agreed as a true record.

## 101 CHAIRMAN'S ANNOUNCEMENTS (00-12-14)

The Chairman had no announcements to make.

## 102 APPEAL - APPLICATION 17/01359/MOUT - OUTLINE FOR THE ERECTION OF 60 DWELLINGS AND CONSTRUCTION OF NEW VEHICULAR ACCESS ONTO HIGHWAY TO THE WEST OF THE SITE - LAND AND BUILDINGS AT NGR 302469 114078, HIGHER TOWN, SAMPFORD PEVERELL (00-12-22)

The Committee had before it a \*report of the Head of Legal (Monitoring Officer) providing an update and advice to Members with regard to the forthcoming appeal inquiry against refusal of planning permission.

Consideration was given 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 Planning Committee decided that in all the circumstances of the case, the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

It was therefore:

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

Note: Cllrs L J Cruwys and B G J Warren requested that their abstention from voting with regard to entering into Part II be recorded.

Following consideration of the papers, the meeting returned to open session.

The Head of Planning, Economy and Regeneration answered questions posed in public question time:

- With regard to why a report was before the committee; she referred Mr Byrom to the Part I report which explained the need for an update, the need to seek advice and to seek instruction.
- Why a formal inquiry had been opted for; the appellant had sought the written representations process but that method did not allow the opportunity for

evidence to be questioned or interrogated. She referred to a meeting on 2 December 2019 with members where a course of action was discussed, Following discussions between members and officers it was agreed that due to the public interest in the case that either an informal hearing or a public inquiry be requested. She also referred to a letter from the Planning Inspectorate where the original inspector decided to proceed on the basis of a public inquiry due to the significant level of local interest, the complexity of the issues raised as well as the submissions by the main appeal parties.

- Whether the appellant and interested parties would be informed of the decision of the committee, the officer confirmed that all interested parties would be informed as soon as was possible after the meeting.

Notes:

- i) Cllrs R F Radford and B G J Warren declared personal interests as they were both representing the committee on the appeal case;
- ii) \* Report previously circulated.

(The meeting ended at 1.53 pm)

**CHAIRMAN**

## MID DEVON DISTRICT COUNCIL

**MINUTES** of a **MEETING** of the **PLANNING COMMITTEE** held on 2 December 2020 at 2.15 pm

### **Present**

#### **Councillors**

Mrs F J Colthorpe (Chairman)  
G Barnell, Mrs C P Daw, L J Cruwys,  
F W Letch, D J Knowles, R F Radford,  
R J Dolley, J M Downes and C J Eginton

### **Apologies**

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

E J Berry, S J Clist, S J Penny and  
B G J Warren

### **Also Present**

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

Mrs M E Squires

### **Present**

#### **Officers:**

Adrian Devereaux (Area Team Leader),  
Alison Fish (Area Team Leader), Philip  
Langdon (Solicitor), Jake Choules (Planning  
Assistant), Sally Gabriel (Member Services  
Manager) and Carole Oliphant (Member  
Services Officer)

## 103 **APOLOGIES AND SUBSTITUTE MEMBERS (0.03.43)**

Apologies were received from Cllr E J Berry, Cllr S J Clist and Cllr B G J Warren who were substituted by Cllr C Eginton, Cllr J D Downes and Cllr R Dolley respectively.

Apologies were received from Cllr S J Penny.

## 104 **REMOTE MEETINGS PROTOCOL (0.04.14)**

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

Note: \*Protocol previously circulated and attached to the minutes

## 105 **DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT (0.04.32)**

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

## 106 **PUBLIC QUESTION TIME (0.04.37)**

There were no questions from members of the public present.

107 **MINUTES OF THE PREVIOUS MEETING (0.04.58)**

The Minutes of the meeting held on 13<sup>th</sup> November 2020 were agreed as a true record.

108 **CHAIRMAN'S ANNOUNCEMENTS (0.05.56)**

The Chairman had no announcements to make.

109 **DEFERRALS FROM THE PLANS LIST (0.06.02)**

There were no deferrals from the Plans List.

110 **THE PLANS LIST (0.06.06)**

The Committee considered the applications in the \*Plans List.

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

- a) 20/01507/FULL - Retention of timber outbuilding to be used ancillary to the house, retention of alterations to ground level changes and change of use of agricultural land to domestic garden at 8 Mill Stream Gardens, Halberton, Tiverton.**

The Area Team Leader outlined the contents of the report by way of a presentation highlighting the site location plan, the location of the shed, ground level alterations and photographs of the site from the neighbouring paddock.

She explained that the shed had been built larger than the permission granted in 2019 to include the provision of a log store. She confirmed to members that the shed as built was 25% larger than the original permission.

In response to members questions regarding the quality of top soil which had been brought onto the site for alterations to the ground level that the Environment Agency had a duty to control this and it was not a consideration of the Planning Authority.

Consideration was given to:

- The views of the objectors who stated that they had concerns with the location of the shed, the quality of the material used for releveling and issues with overlooking their paddock
- The views of the agent who stated the Environment Agency had provided advice and guidance to the applicants regarding material brought on site and that their investigations had been completed, that the ground level adjustments were consistent with neighbouring properties and that the property did not overlook the neighbouring property private amenity
- The views of the Ward Member who stated he had visited the site and talked to other neighbours who had expressed no concerns with regard to the application and that he had no concerns with overlooking into the neighbouring



property private amenity area. He felt this was a dispute between neighbours which was not a material consideration and he could see no reason to refuse the application

- That the application was retrospective but that there were no material considerations to refuse the application

It was therefore **RESOLVED** that: planning permission be approved subject to conditions as recommended by the Head of Planning, Economy and Regeneration.

(Proposed by Cllr F W Letch and seconded by Cllr Mrs C P Daw)

**Reason for the Decision** – as set out in the report

Notes:

- i.) Cllrs Mrs F J Colthorpe, G Barnell, J Downes, L Cruwys, Mrs C P Daw, R Dolley, C Eginton, D J Knowles, F W Letch and R F Radford made declarations in accordance with the Protocol of Good Practice for Councillors dealing with planning matters as they had received letters from the Objectors
- ii.) Mr & Mrs Keenoy (Objectors) had provided Members with a written statement and photographs which had previously been circulated
- iii.) Duncan Tilney (Agent) spoke
- iv.) Cllr R F Radford spoke as Ward Members
- v.) The following late information was reported:
  - a. 'One additional letter of representation has been received which supports the application scheme. Members will also be aware of email correspondence which was circulated to members of the committee from Mr Keenoy an objector and neighbour to the proposal.'
  - b. References in the report to Cherry Tree Cottage should be replaced by Cherry Tree House

**b) 20/01170/FULL - Change of use of land for siting of Shepherd's Hut and composting toilet for personal use and short term holiday letting at Land at NGR 271309 108525, Hele Cross, Nymet Rowland.**

The Area Team Leader outlined the contents of the report by way of a presentation highlighting the site location plan, the parking plan and the position of the proposed shepherds hut and toilet.

He explained that the applicants were intending to obtain a gold standard for sustainable tourist accommodation and that a planting/landscaping plan had been provided. He provided further detail on the distance of the proposed shepherds hut to neighbouring properties.

He explained that a noise management plan had been provided and that there would be no amplified music on site, no arrivals after 8pm and no more than two adult guests staying in the hut at any one time. The applicants had indicated that the hut would only be let to tourists approximately 4 days per month and that the rest of the time it would be for personal use.

He explained that Public Health had responded to the concerns of the Parish Council with regard to grey water and that they had no concerns with the proposals.

Answering questions about the seasonal use of the hut, the Area Team Leader explained that the application was for year round use. He also confirmed that although the hut had wheels, the application site was fixed and therefore it could not be moved around the site. He stated that the compost toilet would need to be moved from time to time as was the nature of the product.

Consideration was given to:

- The views of the objector who stated that neighbouring properties had concerns with noise levels, that the hut was too close to neighbouring properties and that the property had been sold, so questioned the need for the application to go ahead
- The views of the Parish Council who had stated there were concerns with grey water
- The views of the acting Ward Member who had concerns with the rural location of the application with no close amenities, the parking provision for visitors, the noise levels and development in open countryside
- The number of objectors to the application
- That although the shepherds hut had wheels it could not be moved around the site
- That Public Health had no concerns regarding the grey water
- That the hut would be used for both private and light holiday use

It was therefore **RESOLVED** that: planning permission be approved subject to conditions as recommended by the Head of Planning, Economy and Regeneration.

(Proposed by the Chairman)

**Reason for the Decision** – as set out in the report

Notes:

- i.) Cllrs Mrs F J Colthorpe, G Barnell, J Downes, L Cruwys, Mrs C P Daw, R Dolley, C Eginton, D J Knowles, F W Letch and R F Radford made declarations in accordance with the Protocol of Good Practice for Councillors dealing with planning matters as they had received letters from the Objectors
- ii.) Mrs Lovesey (Objector) spoke
- iii.) The Chairman read out a statement by Nymet Rowland Parish Council
- iv.) Margaret Squires spoke as acting Ward Member
- v.) A proposal to refuse the application was not supported
- vi.) Cllr C Eginton requested that his abstention on voting be recorded
- vii.) The following late information was reported:
  1. A letter has been received from Nymet Rowland Parish Council raising the following matters of concern:
    - Grey water disposal
    - Noise
    - Implications of a change of use application.

2. A response from the Council's Public Health Officer has been received following the concerns received from the Parish Council over grey water disposal. This response was as follows:

'I can confirm that any potential impact on pollution to ground water would be low and therefore have no objections to the proposal.'

3. A letter and photograph was sent to members of the planning committee by Julie Lovesey outlining her speech for the committee meeting. She is speaking on behalf of the objectors.

#### 111 **MAJOR APPLICATIONS WITH NO DECISION (1.34.52)**

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

It was **AGREED** that:

20/01588/MFUL Crediton Milling Co Ltd, Fordton Mill, Crediton, Devon EX17 3DH: Erection of storage building with first floor office (512sqm) following demolition of barn and erection of grain store (498sqm) be brought before the committee for determination and that a site visit take place if the officers recommendation was one of approval.

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

#### **Update Sheet**

(The meeting ended at 3.52 pm)

**CHAIRMAN**

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## FULL COUNCIL 6 JANUARY 2021

### INDEPENDENT REMUNERATION PANEL REPORT – JANUARY 2021

**Responsible Officer:** Head of Legal (Monitoring Officer), Kathryn Tebbey

**Reason for Report:** The report sets out the Independent Remuneration Panel's views for consideration by Council to set a Scheme of Allowances from 1 April 2021 until 31 March 2022.

#### RECOMMENDATIONS:

- a. The Basic Allowance to be paid to all Councillors remains at the current level of £5252.70 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		£15,758.10
Deputy Leader	1.50		£7,879.05
Cabinet Member	1.25		£6,565.88
Scrutiny Committee Chair	1.25		£6,565.88
PDG Chair	0.75		£3,939.53
Audit Committee Chair	0.75		£3,939.53
Planning Committee Chair	1.25		£6,565.88
Licensing/Regulatory Chair	0.25		£1,313.18
Standards Chair	0.25		£1,313.18
Chairman of the Council	0.50		£2,626.35

- 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)
  - 25p per mile for push bikes
  - 24p per mile for motorcycles

NB: To be increased in line with HMRC rates from 1 April 2021 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	£7.87
• Lunch	£10.86
• Tea	£4.27
• Dinner	£13.44

NB: To be increased in line with HMRC rates from 1 April 2021 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. 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.
- j. 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.

**Financial Implications:** The recommendations do not propose any financial increase – therefore there are no additional financial implications for the Council other than those which may be incurred as a result of the link with the staff pay award.

**Budget and Policy Framework:** No implications.

**Legal Implications:** The Local Authorities (Members' Allowances) Regulations 2003 require that an Independent Remuneration Panel reviews Members' Allowances and makes recommendations to Council.

**Risk Assessment:** Failure to follow the Members' Allowances Regulations could leave the Council open to challenge.

**Equality Impact Assessment:** No equality issues identified for this report.

**Impact on Climate Change:** No impacts identified for this report.

## **1.0 Introduction/Background**

1.1 The Independent Remuneration Panel are required to meet each year to recommend a Members Scheme of Allowances for the following financial year. Accordingly, the Panel met via Zoom on 25 November 2020.

1.2 The Panel gave consideration to:

- The latest survey of Members Allowances across the South West.
- The on-going Governance Review, the outcome of which may have implications for a future Members Allowances Scheme.
- Virtual meetings and the continuation of decision making at Mid Devon District Council despite the pandemic.
- A significant increase in Members' reliance on IT devices since the start of the pandemic.
- The absence of any adverse comment from Members regarding the current scheme or representations for change or improvements needing to be made.

## **2.0 The Panel's Recommendations**

2.1 The Panel do not consider that there is evidence available to them to support a finding of a significant change in the workload of Members since the last time they met and, therefore, the Panel are not recommending any increase for the period 1 April 2021 to 31 March 2022 (other than a link to any staff pay award).

2.2 The accompanying report from the IRP (Appendix 1) sets out their reasoning and proposes 10 recommendations for consideration by the Council (as set out above). A draft Scheme of Members' Allowances for 2021 – 2022 is attached at Appendix 2. This draft scheme is the subject of the recommendations above.

**Contact for more Information:** Kathryn Tebbey, Head of Legal (Monitoring Officer) or Sarah Lees, Member Services Officer.

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**INDEPENDENT REMUNERATION PANEL**

**REPORT ON MEMBERS' ALLOWANCES FROM**  
**1 APRIL 2021 TO 31 MARCH 2022**

**FOR**

**MID DEVON DISTRICT COUNCIL**

## **INDEPENDENT REMUNERATION PANEL**

### **REPORT ON MEMBERS' ALLOWANCES FROM 1 APRIL 2021 TO 31 MARCH 2022**

#### **1. INTRODUCTION**

The Local Authorities (Members' Allowances) (England) Regulations 2003 require the Council to have regard to the recommendations of an independent panel in agreeing allowances paid to councillors.

The Independent Panel operates under the provisions of the Local Authorities (Members' Allowances) (Regulations) 2003. These regulations require that all councils set up independent panels and take account of their advice before agreeing their councillors' allowances scheme.

#### **2. MEMBERSHIP**

Mid Devon District Council's Independent Remuneration Panel consists of:

- Jeremy Filmer-Bennett
- Marianne Hlland
- Karen Stone

#### **3. CONDUCT OF THE REVIEW FOR 2021/2022**

The Panel met via Zoom on 25 November 2020 and were supported by the Head of Legal Services (Monitoring Officer) and a Member Services Officer.

In advance of the meeting they had received the current South West Council's survey detailing the allowances paid to councillors in similar local authorities across the South West. They were also appraised of the current situation at Mid Devon regarding a number of factors.

A summary of the general introductory conversation was as follows:

- The Council was in the process of a Governance Review. The current system of Governance was explained as were some of the alternative options. The process and timescale for reporting the review findings to Council in spring next year was outlined as well as the possible implications on Members Allowances depending on the decision made by Council. It was further explained that despite the on-going review a Scheme of Allowances needed to be approved from 1 April 2021 – 31

March 2022 whatever the outcome of the review which may take some time to implement.

- The Panel were informed about how the decision making process had continued at Mid Devon District Council via virtual meetings. This had obviously had a significant impact upon the uptake of Members expenses since Members had not had to travel to Phoenix House and were conducting the majority of their duties from home. A brief discussion took place regarding how duties might be conducted in the future once Covid was under control. This included possible hybrid meetings but there would be financial and practical implications to consider before Members made any decision about how to proceed. Legislation would also be required providing a framework for local authorities to consider. This would not be available until next year.
- Having studied the benchmarked data the Panel continued to be of the opinion that the current allowances at Mid Devon District Council appeared to be in line with other similar authorities and were still 'reasonable' within that context.
- The Panel noted that Members had been asked to provide feedback to them for this meeting regard to their allowances but none had been forthcoming.

#### 4. **SCHEME OF ALLOWANCES**

##### 4a **Basic Allowance**

The Panel were not of the opinion that anything had significantly changed to affect the Basic Allowance paid to Members during the past 12 months. It was noted that Members had had to work differently as a result of the pandemic and had had to attend meetings virtually rather than face to face but that the level of responsibility for doing that had not changed.

Therefore the Panel recommend that the Basic Allowance continues to be paid at the same level and that it continues to be linked to the staff pay award.

In doing so the Panel noted that the previous Basic Allowance of £5112.15 p.a. had now increased to £5252.70 p.a. as a result of a staff pay award in 2019/2020.

##### 4b. **Special Responsibility Allowances (SRA)**

The Local Authorities (Members' Allowances) Regulations 1991 provide that SRA may be paid to those Members of the Council who have "**significant additional responsibilities**" over and above the generally accepted duties of a Councillor. In setting the SRAs, the Panel in the past concluded that the best approach was to use the Basic Allowance as the starting point and then give a weighting to the role attracting the SRA which could be applied to the Basic Allowance.

The Panel remain of the view that the link between the Basic Allowance and SRA is an important one.

The Panel made the following observation:

- If significant changes are made to the Governance arrangements of the Council as a result of the Review then the Panel would need to spend some considerable time reassessing ALL allowances. At the moment there was nothing to suggest a change was needed. However, the Panel were keen to express the view that they were not avoiding the issue but felt recommending change at the current time was not necessary based upon the evidence received. They were also very aware that no representations regarding changes to SRA's had been made by any Members.

### Conclusion:

The Panel continue to be of the view that the current levels of SRA are appropriate and that the weightings applied to the agreed Basic Allowance do not need to be adjusted. The Panel therefore recommends a continuation of the current levels until 31 March 2022.

These are as follows:

Position	Weighting x basic (£5252.70 as at December 2020)	SRA
Leader of the Council	3.00	£15,758.10
Deputy Leader	1.50	£7,879.05
Cabinet Member	1.25	£6,565.88
Scrutiny Committee Chair	1.25	£6,565.88
PDG Chair	0.75	£3,939.53
Audit Committee Chair	0.75	£3,939.53
Planning Committee Chair	1.25	£6,565.88
Licensing/Regulatory Chair	0.25	£1,313.18
Standards Chair	0.25	£1,313.18
Chairman of the Council	0.50	£2,626.35

The Panel continues to recommend that Members should not be entitled to claim more than one SRA.

#### 4c. Chairman's Allowance

The Panel continue to recommend that the Chairman of the Council receive an SRA which is equivalent to 50% of the Basic Allowance.

However, the Panel wished to make it clear that the Chairman's **Civic budget** is set by Council and is not therefore a matter for the IRP.

A brief discussion took place regarding the fact that most Civic events had been cancelled this year due to Covid19 but that the budget would 'stay in the pot' for next year. The Chairman would have a role to play in helping to 'rebuild the spirit of the District' as well as re-engaging with the public therefore a budget to do this would be necessary.

#### 4d. **Carer's Allowance**

The Panel felt that the existing Carer's Allowance within the Scheme was still 'fit for purpose' but that it needed to be advertised more widely since many Councillors were not aware that it existed.

They wished for their previous recommendation to stand.

This was:

A Councillor can claim a Carer's Allowance for Approved Duties, except where Schedule 2 (stated within the approved Scheme) states that such an allowance is not payable.

The following conditions and limitations apply to any claim for a Carer's Allowance:

- (a) The carer must be over the age of 18 and someone who does not normally live with the Councillor as part of their family or household;
- (b) The person being cared for is a dependent of the Councillor and is:
  - (i) a child under the age of 14;
  - (ii) an elderly person; or
  - (iii) someone with a recognised disability who cannot reasonably be left unsupervised for the period during which the Councillor is going to be absent on an Approved Duty;
- (c) Where the care is booked and paid for by the hour, Councillors may claim the hourly rates set out in sub-paragraph (e) for the time incurred in the Approved Duty, plus the reasonable travelling time taken by the Councillor in –
  - (i) carrying out the Approved Duty; and
  - (ii) dropping off or picking up the dependant at the place of care before and after the Approved Duty;
- (d) Where the care can only be booked and paid for as a fixed period or session, Councillors may claim for the duration of the

fixed period or session plus the reasonable travelling time taken by the Councillor in dropping off or picking up the dependent at the place of care before and after the Approved Duty. If the location or timing of the Approved Duty means that two or more fixed periods or sessions need to be booked, Councillors may claim for those periods or sessions. The amount payable will be the hourly rate set out in sub-paragraph (e), unless the dependent is a child (see sub-paragraph (b)(i)) attending an Ofsted registered nursery, pre-school or playgroup – in such cases, if the hourly rate would not cover the cost of the fixed period(s) or session(s), the actual cost may be claimed;

- (e) The hourly rate is the National Living Wage (25 and over);
- (f) Councillors may also claim for the carer's reasonable expenses incurred whilst the dependent is in their care provided the Councillor produces the relevant receipt from the carer in respect of those expenses.

#### 4e. **Travel and Subsistence Allowances**

##### Travelling Allowances

The Panel continue to recommend that reimbursement of approved mileage remain at the rates published by HMRC which for 2020/21 are (these figures to be amended in line with the HMRC rates as from 1 April 2021 once they are known):

- 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)
- 25p per mile for push bikes
- 24p per mile for motorcycles

***(All claims to be submitted with receipts)***

##### Subsistence Allowances

The Panel recommends that subsistence allowances should be the same as for employees which for 2020/21 are (these figures to be amended in line with the HMRC rates as from 1 April 2021 once they are known) in each case up to a maximum of:

Breakfast	£7.87
Lunch	£10.86
Tea	£4.27
Dinner	£13.44

***(All claims to be submitted with receipts)*****4f. IT Allowance**

In the previous Panel report a recommendation had been made that the Council consider removing the digital allowance from 2021/22. This had not been challenged by the Council in February 2020. However, the Panel had been made fully aware of Councillors dependence on IT during the pandemic and their increased reliance on technology as a means of conducting their duties. It was therefore felt that to suggest the removal of this allowance would be insensitive and unhelpful at the present moment in time. The Panel wished to be able to review this position at subsequent reviews.

How well Members had coped with virtual meetings was acknowledged by the Panel. It was also noted that whilst decision making had continued at Mid Devon District Council since almost the start of the pandemic many Councils had not fared so well and indeed the Scrutiny function had not recommenced in some areas until September 2020. It was also acknowledged that virtual meetings were now more challenging for Chairmen, took longer to transact the business and contained lengthy procedures in order to maintain openness and transparency.

The Panel continue to recommend therefore that a digital allowance of £150 p.a. be paid to each Member using a digital device for the financial year 1 April 2021 to 31 March 2022.

**4g. Councillors with Additional Needs**

Mindful of comments made with regard to disability during the interview process in the last Fundamental Review the Panel continue to wish to make a recommendation that if any Councillors have particular needs arising due to a protected characteristic under the equalities act – for example, they have a disability that prevents them using some forms of transport, then the Chief Executive or Monitoring Officer may agree to the payment of any additional claims or support arrangements that fall outside the scope of the scheme, to support their needs.

**ELECTIONS**

The regulations provide that a Member may, by notice in writing, given to the proper officer (the Director of Finance, Assets and Resources) elect to forgo any part of his or her entitlement to an allowance under the scheme.

## SUMMARY OF RECOMMENDATIONS

The Panel recommends that from 1 April 2021 until 31 March 2022:

- a. The Basic Allowance to be paid to all Councillors remains at the current level of £5252.70 p.a., with any increases being linked to but not greater than the staff pay award.
- b. Special Responsibility Allowances be paid to the following Members at the levels indicated:

Position	Weighting x basic	SRA
Leader of the Council	3.00	£15,758.10
Deputy Leader	1.50	£7,879.05
Cabinet Member	1.25	£6,565.88
Scrutiny Committee Chair	1.25	£6565.88
PDG Chair	0.75	£3,939.53
Audit Committee Chair	0.75	£3,939.53
Planning Committee Chair	1.25	£6565.88
Licensing/Regulatory Chair	0.25	£1,313.18
Standards Chair	0.25	£1,313.18
Chairman of the Council	0.50	£2,626.35

- 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)
  - 25p per mile for push bikes
  - 24p per mile for motorcycles

NB: To be increased in line with HMRC rates from 1 April 2021 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                £7.87
- Lunch                    £10.86
- Tea                        £4.27
- Dinner                   £13.44

NB: To be increased in line with HMRC rates from 1 April 2021 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. That the Chief Executive or Monitoring Officer continue to consider the payment of any additional claims or support arrangements that fall outside the scope of the scheme to support Members with additional needs.
- j. That Members of the Authority are not entitled to pensions and therefore neither the basic allowance nor SRA be treated as an allowance in respect of which pensions are payable.

Jeremy Filmer-Bennett  
Marianne Hullah  
Karen Stone

January 2021

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## *Draft for Approval*

# **MEMBERS' ALLOWANCES SCHEME 2021 - 2022**

The Mid Devon District Council, in exercise of the powers conferred by the Local Authorities (Members' Allowances) Regulations 2003, hereby makes the following scheme:

1. This scheme may be cited as the Mid Devon District Council Members' Allowances Scheme, and shall have effect for the period 1<sup>st</sup> April 2021 until the 31<sup>st</sup> March 2022
2. In this scheme:
 

"Approved Duties" means those duties set out in Schedule 2

"Councillor" means an elected Member of Mid Devon District Council;

"Member" means a Councillor; and

"year" means the twelve months ending with 31<sup>st</sup> March.

### **Basic Allowance**

3. Subject to paragraph 6, from 1<sup>st</sup> April 2021 a Basic Allowance of £5252.70 p.a. shall be paid to each Councillor (subject to any in year staff increase). During the year, it will be increased in line with, but no greater than, any staff pay award.

### **Special Responsibility Allowances**

4. (a) For each year a Special Responsibility Allowance shall be paid to those Councillors who hold the Special Responsibilities in relation to the Authority that are specified in the Schedule to this scheme. These allowances shall be calculated based upon a weighting applied to the Basic Allowance. Any increase in the Basic Allowance as a result of a staff pay award will also result in an increase to the Special Responsibility Allowances.
- (b) Subject to paragraph 6, the amount of each such Allowance shall be the amount specified against that Special Responsibility in that Schedule.
- (c) No Councillor is entitled to claim more than one Special Responsibility Allowance.

### **Renunciation**

5. A Councillor may, by notice in writing given to the Deputy Chief Executive (Section 151 Officer), elect to forego any part of their entitlement to one or more allowances under this scheme.

**Part-Year Entitlements**

6. Where a Councillor's entitlement to an allowance in this scheme begins or ends (for whatever reason) part of the way through the year, their entitlement to such allowance will be in the same proportion as the number of days during the term of office to the number of days in that year.

**Carer's Allowance**

7. Subject to paragraph 6, a Councillor can claim a Carer's Allowance for Approved Duties, except where Schedule 2 states that such an allowance is not payable.
8. The following conditions and limitations apply to any claim for a Carer's Allowance:
- (a) The carer must be over the age of 18 and someone who does not normally live with the Councillor as part of their family or household;
  - (b) The person being cared for is a dependent of the Councillor and is:
    - (i) a child under the age of 14;
    - (ii) an elderly person; or
    - (iii) someone with a recognised disability who cannot reasonably be left unsupervised for the period during which the Councillor is going to be absent on an Approved Duty;
  - (c) Where the care is booked and paid for by the hour, Councillors may claim the hourly rates set out in sub-paragraph (e) for the time incurred in the Approved Duty, plus the reasonable travelling time taken by the Councillor in –
    - (i) carrying out the Approved Duty; and
    - (ii) dropping off or picking up the dependant at the place of care before and after the Approved Duty;
  - (d) Where the care can only be booked and paid for as a fixed period or session, Councillors may claim for the duration of the fixed period or session plus the reasonable travelling time taken by the Councillor in dropping off or picking up the dependent at the place of care before and after the Approved Duty. If the location or timing of the Approved Duty means that two or more fixed periods or sessions need to be booked, Councillors may claim for those periods or sessions. The amount payable will be the hourly rate set out in sub-paragraph (e), unless the dependent is a child (see sub-paragraph (b)(i)) attending an Ofsted registered nursery, pre-school or playgroup – in such cases, if the hourly rate would not cover the cost of the fixed period(s) or session(s), the actual cost may be claimed;
  - (e) The hourly rate is the National Living Wage (25 and over);
  - (f) Councillors may also claim for the carer's reasonable expenses incurred whilst the dependent is in their care in accordance with this paragraph 8, provided the Councillor produces the relevant receipt from the carer in respect of those expenses.

**Travelling Allowances and Subsistence Allowances**

9. Travelling and subsistence allowances\* will be paid in accordance with the scales of allowance set out in Schedule 1 to this scheme in connection with or relating to the Approved Duties set out in Schedule 2.

\* the start point for a Councillor claiming travel to attend a meeting must usually be within the administrative boundary of Mid Devon.

**Payments**

10. (a) Payments of the Basic and Special Responsibility Allowances will be made (subject to sub-paragraph (b)), in twelve monthly instalments – one twelfth of the amount specified in this scheme will be paid on the 22<sup>nd</sup> day of each month.
- (b) Where a payment of one twelfth of the amount specified in this scheme in respect of a Basic Allowance or a Special Responsibility Allowance would result in the Councillor receiving more than the amount to which they are entitled, the payment will be adjusted to ensure that no more is paid than the amount to which the Councillor is entitled.

**Claims**

11. Claims for the payment of Carer's Allowance and Travelling and Subsistence Allowances must be made by the person to whom they are payable within two months of the date on which an entitlement to such allowance arises. Such claims must be evidenced by relevant receipts.

**Pensions**

12. None of the allowances contained within this scheme are eligible for inclusion within the Local Government Pension Scheme.

**Tax and Benefits**

**13. Income Tax**

- a) Basic, Special Responsibility and Carers Allowances are subject to Income Tax as they are payments made in respect of the duties of an office.
- b) The HMRC is notified of the names and addresses of all Councillors who claim taxable allowances. Tax is deducted at basic rate until the HMRC notifies the Council of the appropriate tax code for each Councillor.
- c) Some expenses incurred by Councillors in the course of their Council duties may be deductible against tax. Any Councillor who believes that some of their expenses as a Councillor may be tax deductible should seek appropriate tax advice.

**14. National Insurance Contributions**

- a) Basic, Special Responsibility and Carers Allowance payments will attract National Insurance (NI) Contributions at levels that vary depending on the total earnings of Councillors.

- b) Some Councillors may not be liable to any NI Contributions on Allowances if they are over the state retirement age; in accordance with prevailing legislation. See the Government website for more information. <https://www.gov.uk/tax-national-insurance-after-state-pension-age>
- c) Some Councillors - married women or widows who have elected to pay reduced rate NI Contributions - may also need to have the NI Contributions on Allowances calculated at a reduced rate.
- d) Councillors who are self-employed may also be subject to different levels of NI Contributions.
- e) Councillors who believe that they fall into any of the above categories should contact the Group Manager for Finance who will seek further information to assist with the query. Councillors should also obtain the appropriate certificates from the Department for Work and Pensions (DWP).

### **Chairman's Civic Budget**

- 15. The Chairman of the Council is allocated a small budget for civic functions, not to exceed £2,000 per annum and to be agreed each year. Payments with regard to his or her Civic role should be paid retrospectively and only on production of a receipt/s

### **IT Allowances**

- 16. Councillors may claim an IT allowance of £150 per annum, provided they use digital devices only in carrying out their official duties. This allowance is intended to act as an incentive to move to paperless working and will be reviewed annually. The intention is that the allowance will not be a permanent feature of the scheme.

Stephen Walford  
Chief Executive  
Mid Devon District Council

**DATED** 31<sup>st</sup> March 2021

**SCHEDULE 1**

With effect from 1<sup>st</sup> April 2021, the following are specified as Special Responsibilities in respect of which Special Responsibility Allowances are payable, and the amounts of those Allowances:

Leader of the Council	£15,758.10
Deputy Leader of the Council	£7,879.05
Cabinet Member	£6,565.88
Chairman of Scrutiny Committee	£6,565.88
Chairmen of Policy Development Groups	£3,939.53
Chairman of Audit Committee	£3,939.53
Chairman of the Planning Committee	£6,565.88
Chairman of the Licensing/Regulatory Committee	£1,313.18
Chairman of the Standards Committee	£1,313.18
Chairman of the Council	£2,626.35

With effect from 1<sup>st</sup> April 2021\*, the following amounts are specified as the amounts of allowance payable in respect of travelling and subsistence arising from those approved duties set out within this scheme:

(a) Travelling Allowances:

- 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)
- 25p per mile for push bikes
- 24p per mile for motorcycles

(b) Subsistence Allowances

Breakfast	£7.87
Lunch	£10.86
Tea	£4.27
Dinner	£13.44

All claims for subsistence must be accompanied by a receipt. The maximum allowance will only be paid where the cost of subsistence is equal to, or greater than, the maximum allowance.

Note: \*HMRC rates come into effect on the 1 April each year and therefore these amounts to be increased (or decreased) accordingly at that time.

**SCHEDULE 2**

Description of Approved Duty	Carers' Allowance	Travel & Subsistence
1. Councillors attending meetings of Council, Cabinet, Policy Development Groups, Audit, Scrutiny, Standards and Regulatory Committees (includes Substitutes), whether members of that body or otherwise	YES	YES
2. Duly appointed Councillors attending meetings of bodies to which the Council makes appointments	YES	YES
3. (a) Any meeting authorised by the Council, Cabinet, Policy Development Groups, Audit, Scrutiny, Standards or Regulatory Committees to which Councillors of more than one Political Group have been duly (and specifically) appointed  (b) Non duly-appointed Councillors	YES  NO	YES  YES
4. A meeting of a Local Authority Association	YES	YES
5. Any conference or meeting of a body where the Council, Cabinet or a Committee have agreed to send the Councillor as a representative	YES	YES
6. (a) Any visits or inspections undertaken by Councillors, approved by the Council or any Cabinet, Policy Development Groups, Audit, Scrutiny, Standards or Regulatory Committees (includes Councillors who are members of the body, Committee, Group and substitutes)  (b) Non-Committee Members attending such visits or inspections by invitation of the Cabinet, Policy Development Group, Audit, Scrutiny, Standards and Regulatory Committees.  (c) Non-Committee Members attending uninvited	YES  YES  NO	YES  YES  YES
7. Councillors attending as a member of a deputation approved by the Council, the Cabinet, Policy	YES	YES



Development Group, Audit, Scrutiny, Standards or Regulatory Committees.		
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## Appendix 2

8.	Attendance by Chairman or Vice-Chairman of the Council, Cabinet, Policy Development Group, Audit, Scrutiny, Standards and Regulatory Committees at meetings with a Chief Officer where Council or Committee business is discussed	YES	YES
9.	Attendance by Chairman of the Council and Chairman of Committees acting in such capacity at meetings of Parish Councils	YES	YES
10.	For any particular duty undertaken by a Councillor for which express authority from time to time is given by the Council or in case of emergency by the Chairman or Vice-Chairman of the Council	NO	YES
11.	Civic Receptions and other social functions	NO	YES
12.	Councillors attending meetings of Parish Councils within their Wards, or as Ward Member at meetings at the specific request of a Parish Council	NO	YES

### Notes:

- (1) In all cases, the duties for which claims are made must have been approved prior to the event.
- (2) Meetings (3 above) includes Working Groups, approved seminars, and Briefing meetings where more than one Political Group is invited
- (3) Other Briefing meetings fall within (8) above.

## FULL COUNCIL

6 JANUARY 2021

### GOVERNANCE WORKING GROUP – PROGRESS UPDATE

**Reason for the report:** To update Council on Governance Working Group progress.

In line with the Working Group's report to Full Council on 28 October 2020 two information gathering exercises have been completed. An external event, with a panel chaired by one of the LGA advisers, was held on 23 November 2020. There were 5 attendees from the public: a recording of the event is on the MDDC web site and a transcript is available if requested. In addition, 4 people provided written input for consideration. An internal event was held on 1 December 2020 with a workshop chaired by the LGA. Some 25 Members attended with candid opinions given. The Working Group subsequently met on 10 December 2020 and reviewed the outcome of the 2 events plus the internal web-based consultation held in September 2020.

This report seeks Full Council's ratification of the Working Group's conclusions from these consultations before committing to further work. These are as follows:

1. Change is needed to improve the Council's governance in line with modern, current best practice. Focus is around attitude, behaviour, and approach rather than the fundamental structure of governance.
2. Implementation of Scrutiny (as a function) needs to be adapted to make engagement more active, potentially to provide earlier engagement in the decision-making process and when required to be an effective post-decision check.
3. Policy Development (as a function) needs to become more influential in the Council's business, taking a greater role in developing new ideas and challenge.
4. Combining the above 2 functions in specific committees should be considered.
5. Engagement by Members needs to be improved to make the Council's operation not only more effective but to be seen to be more effective.
6. Engagement with the residents and businesses needs to be improved through encouragement, better access (eg social media and other platforms) and communication (eg different focus / less jargon).
7. A systematic process approach should recognise the need for timely decision making, setting out clearly which parties are Responsible, Accountable, Consulted and Informed.

In summary, there is a lot that the Council does well. The emphasis is on evolutionary improvement, in some cases with positive system change, but equally better to use existing systems where appropriate.

Subject to Full Council's agreement, the Working Group will work with Officers and the LGA to formulate more detailed proposals based on the conclusions stated above, recognising experience of other relevant local authorities. The aim remains to bring a recommendation to an Extraordinary Full Council meeting in March 2021. The Working Group expects to meet again to review progress in late January 2021 and probably again in February 2021. A further report will be provided to Full Council on 24 February 2021.

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