

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **SCRUTINY COMMITTEE** held on 19 July 2021 at 2.15 pm

Present

Councillors

B G J Warren (Chairman)
G Barnell, E J Berry, Mrs F J Colthorpe,
L J Cruwys, Mrs S Griggs, P J Heal,
F W Letch, S Pugh, R F Radford,
Ms E J Wainwright and A Wilce

Also Present

Councillor(s)

R M Deed, B Holdman and B A Moore

Also Present

Officer(s):

Stephen Walford (Chief Executive), Andrew Jarrett (Deputy Chief Executive (S151)), Jill May (Director of Business Improvement and Operations), Jenny Clifford (Head of Planning, Economy and Regeneration), Maria De Leiburne (Operations Manager Legal and Monitoring), Catherine Yandle (Operations Manager for Performance, Governance and Health & Safety), Jason Ball (Climate and Sustainability Specialist), Clare Robathan (Policy and Research Officer) and Carole Oliphant (Member Services Officer)

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

There were no apologies.

18 **DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (0.03.34)**

Members were reminded of the need to make declarations of interests where appropriate.

19 **HYBRID MEETINGS PROTOCOL (0.03.42)**

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

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

20 **PUBLIC QUESTION TIME (0.03.55)**

There were no questions from members of the public present.

21 **MINUTES OF THE PREVIOUS MEETING (0.04.08)**

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

22 DECISIONS OF THE CABINET (0.09.43)

The Committee **NOTED** that none of the decisions made by the Cabinet on 6th July had been called in.

23 CHAIRMAN'S ANNOUNCEMENTS (0.09.54)

The Chairman announced that the Planning Enforcement Working Group was nearing completion and a final report would be brought to the September meeting.

24 S106 UPDATE (0.40.41)

The Committee had before it and **NOTED**, a *report of the Head of Planning, Economy and Regeneration providing a S106 update.

The Head of Planning, Economy and Regeneration provided an overview of the report which set out the current status of S106 funding, the legal constraints and current governance arrangements.

She informed Members that following the adoption of governance arrangements in October 2020 the S106 Board had been convened on several occasions.

She explained that the report provided information on the financial information over a number of years. S106 refunds were when money had been taken up front and then refunded to developers if planning approval had been refused or approved applications were not built out.

The Officer explained that S106 contributions from 3 Rivers Developments Ltd were dealt with in the same way as any other developer.

She went on to explain that the Governments White Paper was likely to bring significant changes and reform for Community Infrastructure Levy (CiL) and S106 contributions. The Government was yet to publish its response to consultation on the White Paper.

In response to questions asked she responded:

- Up to date information would be provided to Ward Members for specific parishes asked for;
- The S106 financial administration was moving from the Planning service to the Benefits, Income and Recovery service;
- S106 Policy Interpretation was staying within the Planning service;
- The Planning Obligations Monitoring Officer would deal with getting applications through the process and liaison with Ward Members and Parishes. The process would be provided to Members;
- A process for updating the membership of the S106 Board would be developed;
- Consideration would be given to including the Climate and Sustainability Specialist onto the S106 Board;
- That there were no specific time limits of when awarded S106 funding should be spent but there had been no instances of money having to be returned to developers because it had not been spent on time;

- That developers were not routinely informed on what their S106 contributions had been spent on but they were given the information if they enquired after it.

There followed a general discussion on the need for Ward Members and Parishes to be involved with the S106 funding requirements at an early stage of an application. The Head of Planning, Economy and Regeneration confirmed that the governance arrangements sought engagement with Ward Members and Parishes on project nominations with planning applications and heads of terms being able to be commented on and views known at an early stage of an application. Officers in Development Management had been reminded of the governance arrangements and the need to engage with Ward Members and Parishes at an early stage.

In response to a question asked about the procedure for the delegation of affordable housing offsite monies the officer responded that:

- Offsite contributions would be less common moving forward due to the adoption of the new Local Plan and an updated policy approach under Policy S3 in terms of whether affordable housing was provided on site;
- The Housing Enabling Officer now in post was a joint officer working in a shared post with the Forward Planning service which would see a more joined up approach looking at financial contributions for affordable housing;
- Often within S106 agreements there were cascade clauses incorporated which set out the sequence for spend and who would be eligible to occupy such developments
- Requests were received from providers of affordable housing and community land trusts to access S106 funding for such developments
- Further details on the affordable housing S106 funding and the need of the Housing Enabling Officer to understand the needs of the Parishes and liaising with them to coordinate the best schemes in the best areas would be made available to Members

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

25 MEETING MANAGEMENT

The Chairman informed the Committee that he would be taking agenda item 13, Scrutiny Proposal Form, as the next item of business.

26 SCRUTINY PROPOSAL FORM (0.50.15)

The Chairman introduced a Scrutiny Proposal form that he had submitted and informed Members that members of the public had raised concerns with him about the resource available within the Council to deliver the Eastern Urban Extension.

The Chief Executive explained he had provided a short briefing note to assist Members to understand what was already in place to scrutinise the development of the Eastern Urban Extension.

Members discussed the proposal and relayed their thoughts on the following:

- That they wanted to understand how the different developments knitted together

- They wanted to explore working with the Town Council looking at issues with the developments coming forward
- A Scrutiny Working Group looking solely at the Eastern Urban Extension would compromise what had already been agreed within the Local Plan
- The advice given by the Monitoring Officer that there should be no duplication or conflict of interests and that Members of the Planning Committee should not sit on the Working Group
- Members views that knowledge did not mean predetermination
- Members views that the Planning applications coming forward had to be determined by the Planning Committee
- Training and education could be provided to Town Councils and Ward Members on how the Local Plan was implemented
- Members views that there was a lack of community engagement with the roll out of the developments

Cllr G Barnell moved, seconded by Cllr L J Cruwys that: A joint working group be formed, set up by the MDDC Scrutiny Committee with the Tiverton Town Council and other relevant stakeholders. The task was to provide oversight and scrutiny of the delivery of the MDDC Local Plan in and around Tiverton including the two Tiverton Eastern Urban Extension Masterplans, the Tiverton Town Centre Masterplan and possibly the Tiverton Neighbourhood Plan.

Upon a vote being taken the proposal was not supported.

Notes:

- i.) Cllrs G Barnell, L J Cruwys and Ms E Wainwright requested that their vote for the proposal be recorded;
- ii.) Cllrs Mrs F J Colthorpe, E J Berry, P Heal and R Radford requested that their vote against the proposal be recorded;
- iii.) Cllr F W Letch requested that his abstention from voting be recorded;
- iv.) *Proposal form previously circulated and attached to the minutes.

27 WHISTLEBLOWING 6 MONTH UPDATE (1.33.00)

There were no Whistleblowing instances to report.

28 FINANCIAL OUTTURN REPORT (1.34.33)

The Committee had before, and **NOTED**, the Financial Outturn *Report from the Deputy Chief Executive (S151) which provided the Revenue and Outturn figures for the financial year 2020/2021.

The Deputy Chief Executive (S151) explained that the Council had faced some huge financial challenges during the year but final figures had shown a remarkable achievement.

He highlighted the work completed to distribute 90% of covid relief funding to local business of £20m and that a large capital spend budget had been carried forward due to planned capital projects being put on hold due to the pandemic.

In response to Member questions he responded:

- The report was generic and had been seen by the Cabinet on 6th July and that Members of Scrutiny were not being asked to approve anything;
- The impairment figures were his view if all loans would be repaid and this would be verified by the external auditor in the annual accounts;
- He would provide the cumulative total of all loans to 3 Rivers Developments Ltd and the timeframes for repayment
- He could not elaborate on the details of the contract dispute due to legal constraints
- The New Homes Bonus was not ring fenced for social housing and the Council had made a decision to use the funds towards capital projects
- The Council received a new burdens grant which enabled the administration costs of paying out the Governments Covid relief grants to be covered.

The Deputy Chief Executive (S151) invited Members to contact him if they required additional information on impairment and loans to 3 Rivers Developments Ltd.

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

29 **FORWARD PLAN (1.58.24)**

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

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

30 **SCRUTINY OFFICER UPDATE (2.00.26)**

The Scrutiny Officer informed the Committee that she would investigate when an update on the recommendations of the Customer Service Working Group would be brought to Committee.

An informal Work Programming Session would be arranged for August, date to be confirmed.

31 **WORK PLAN (2.01.23)**

The Committee had before it, and **NOTED**, the *Scrutiny Committee Work Plan for 2021-2022.

No items were brought forward for consideration for inclusion on the Work Plan.

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

(The meeting ended at 4.17 pm)

CHAIRMAN