

# Public Document Pack

## MID DEVON DISTRICT COUNCIL

**A MEETING** of the **MID DEVON DISTRICT COUNCIL** will be held in the Phoenix Chambers, Phoenix House, Tiverton on Wednesday, 15 December 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 in Tiverton on Wednesday, 23 February 2022 at 6.00 pm]**

**STEPHEN WALFORD**

Chief Executive

7 December 2021

**PLEASE NOTE:** - this meeting will take place at Phoenix House and members of the Public and Press are encouraged to attend via Zoom wherever possible. The Protocol for Hybrid Meetings explains how this will work. Please do not attend Phoenix House without contacting the committee clerk in advance, in order that numbers of people can be appropriately managed in physical meeting rooms.

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## AGENDA

### 1 **Apologies**

To receive any apologies for absence.

### 2 **Public Question Time**

To receive any questions relating to items on the agenda from members of the public and replies thereto.

3      **Declarations of Interest under the Code of Conduct**

To record any interests on agenda matters.

4      **Minutes** *(Pages 5 - 14)*

To consider whether to approve the minutes as a correct record of the meeting held on 27 October 2021.

5      **Chairman's Announcements**

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

6      **Petitions**

To receive any petitions from members of the public.

7      **Notices of Motions**

1.      **MOTION 577 (COUNCILLOR A WILCE – 16 NOVEMBER 2021)**

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

A Motion to improve public accountability and to address the inequality of rights of Members of the Council, when compared to members of the public.

This Council resolves that:

When an enquiry is made by a Member at any formal meeting (verbally, or in writing) and a substantive answer is not given at that meeting, a written response shall be sent to the enquiring member within 10 days.

Wherever possible, any written questions submitted in the absence of the Member shall be submitted in advance of the meeting, but a failure to do so will not invalidate that enquiry.

A copy of the question(s) and answer(s) will be circulated to members of the committee (or Full Council) and will also be attached to the minutes.

In accordance with Procedure Rule 14.4, the Chairman of the Council has decided that this Motion (if moved and seconded) will be referred to the Standards Committee unless an alternative proposition is put forward and is accepted.

## 8 **Reports** *(Pages 15 - 218)*

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

- 1 Cabinet
  - 26 October 2021
  - 30 November 2021
- 2 Scrutiny Committee
  - 8 November 2021
- 3 Audit Committee
  - 16 November 2021
- 4 Environment Policy Development Group
  - 2 November 2021
- 5 Homes Policy Development Group
  - 9 November 2021
- 6 Economy Policy Development Group
  - 4 November 2021
- 7 Community Policy Development Group
  - 16 November 2021
- 8 Planning Committee
  - 3 November 2021
  - 1 December 2021
- 9 Licensing Committee
  - 3 December 2021
- 10 Regulatory Committee
  - 3 December 2021
- 11 Electoral Review Committee
  - 9 November 2021

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

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

10     **Independent Remuneration Panel Report** (*Pages 219 - 238*)

To receive a report of the District Solicitor requesting determination of the Members' Scheme of Allowances for 1 April 2022 to 31 March 2023.

11     **Special Urgency Decisions**

To note any decisions taken under Rule 16 (of the Constitution) Special Urgency – no decisions of this kind have been made since the last meeting.

12     **Questions to Cabinet Members**

To receive answers from the Cabinet Members to questions on their portfolios from other Members.

13     **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

From 7 May 2021, the law requires all councils to hold formal meetings in person. However, the Council is also required to follow government guidance about safety during the pandemic. The Council will enable all people to continue to participate in meetings via Zoom.

You are strongly encouraged to participate via Zoom to keep everyone safe - there is limited capacity in meeting rooms if safety requirements are to be met. There are restrictions and conditions which apply to those in the building and the use of the building. You must not attend a meeting at Phoenix House without complying with the requirements in the new protocol for meetings. You must follow any directions you are given.

Please read the new meeting protocol which is available here: <https://democracy.middevon.gov.uk/documents/s23135/MeetingProtocolUpdateOct2021nextreviewFeb2022.pdf>

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 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)

Public Wi-Fi is available in all meeting rooms.

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## MID DEVON DISTRICT COUNCIL

**MINUTES** of a **MEETING** of the **COUNCIL** held on 27 October 2021 at 6.00 pm

### **Present**

#### **Councillors**

R F Radford (Chairman)  
G Barnell, J Bartlett, E J Berry, W Burke,  
J Cairney, S J Clist, Mrs C Collis,  
Mrs F J Colthorpe, D R Coren, L J Cruwys,  
N V Davey, Mrs C P Daw, R M Deed,  
R J Dolley (Vice Chairman), J M Downes,  
C J Eginton, R Evans, Mrs S Griggs,  
P J Heal, B Holdman, D J Knowles,  
F W Letch, Mrs E J Lloyd, B A Moore,  
Miss J Norton, S Pugh, Mrs E J Slade,  
C R Slade, Mrs M E Squires, B G J Warren,  
A Wilce and Mrs N Woollatt

### **Apologies**

#### **Councillors**

Mrs E M Andrews, R J Chesterton,  
S J Penny, D F Pugsley, R L Stanley,  
L D Taylor, A White, J Wright and A Wyer

### **63 Apologies (00-06-48)**

Apologies were received from Councillors: Mrs E M Andrews, R J Chesterton, S Penny, D F Pugsley, R L Stanley, L D Taylor, A White, J Wright and A Wyer.

### **64 Public Question Time (00-07-00)**

Mrs Lock referring to Minute 23 of the Environment Report - the three weekly waste collection stated that:

I live in one of the three communities that has taken part in the three weekly black bag waste collection trial, can you tell me what the conclusions have been reached following the trial?

The current Administration ran a petition to 'Stop Mid Devon District Council reducing refuse collection services', which I notice 76 people signed and also called for the previous Administration to scrap the idea of three weekly collections.

Bob Evans then Opposition Leader said they "oppose reducing this service and had refused to consider it while they ran the Council." Is this still the case? If so, how does this Council intend to meet the Government's target of 65% recycling of household waste by 2035?

In response the Cabinet Member for the Environment and Climate Change stated that: Waste and Recycling is responsible for delivering critical statutory front line services to the public but also for helping deliver on vital environment targets.

These targets include reducing refuse collection rates and increasing recycling rates, both of which are crucial to the reduction of our carbon footprint.

To achieve such a reduction in our carbon footprint we need to examine the relationship between refuse collection and recycling rates so the necessary changes happen that will allow the target regarding our carbon footprint to be reached. As part of this work we have piloted trials of three weekly residual waste collections in the wards of Holcombe Rogus and Westleigh as well as the area in and around Canal Hill in Tiverton.

The trials concluded last week and there will now be careful consideration of the data that has been compiled during this pilot period to inform decisions around next steps. This information will be publicised ahead of the relevant meetings taking place as is standard practice. There were 5 options on the table and there are still 5 options on the table, no decision has been made at this time and the outcomes of the trial will be reported to the PDG and Cabinet.

The Cabinet Member for Housing and Property Services also responded stating that my comments were raised to the then Portfolio Holder, Councillor Taylor at the Environment PDG in September 2019. Councillor Taylor indicated that consideration of the trial was being looked at as a cost saving exercise as can be seen in the minutes of the meeting. My comments also included a statement what is not quoted, that I believe that the reduction of waste per household would be equally if not of greater benefit as would putting pressure on supermarkets to reduce their waste, these comments were supported by other Members outside of my political group at that meeting. The scheme at that time focussed on a very short cost saving exercise and had no detail, so yes I was opposed to the scheme as it was presented at that time.

We are now 2 years on and today's scheme has a greater focus on waste reduction and, as well as seeking to reduce and recycle more of the waste that is produced. I now await the detail of the trial with interest and the consideration of Environment PDG members and future debate at both Cabinet and Full Council.

#### **65 Declarations of Interest under the Code of Conduct (00-12-18)**

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

#### **66 Minutes (00-12-31)**

The minutes of the meeting held on 25 August 2021 were agreed as a correct record and signed by the Chairman.

#### **67 Chairman's Announcements (00-12-54)**

The Chairman had the following announcements to make:

- He had attended the Civic Service at West Devon Borough Council on 17 October
- He recalled comments made at the Annual Meeting with regard to the date of the December meeting of Council which was scheduled for 22 December and Members views that this was rather close to Christmas. He therefore

suggested that the meeting be brought forward one week to 15 December unless there were any objections to this.

- He had also attended an event in Cheriton Fitzpaine to dedicate a memorial to the late Honorary Alderman Susan Meads who had been a member of the Parish Council for 50 years.

## 68 **Petitions (00-16-37)**

There were no petitions presented.

## 69 **Notices of Motions (00-16-44)**

### **(1) MOTION 576 – (COUNCILLOR MRS N WOOLLATT – 14 OCTOBER 2021)**

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

“Many councils and councillors across England have called for the ability to be able to attend and vote on line. Whilst we will always want councillors to be able to meet in person, there needs to be the provision for some members to be online, for example if they are vulnerable, self-isolating, have caring responsibilities or difficulties with transport. It is also in line with reducing carbon emissions to zero by 2030.

Our hybrid system of meetings are currently working well, but non-voting members attending online are not currently allowed to be recorded as having attended even though they can raise issues and contribute to the debate! Equally it would be very useful if voting members of a committee could have the flexibility to attend online if they find themselves in circumstances preventing physical attendance. This would help to reduce the risk of meetings not being quorate.

Northern Ireland recently agreed in its parliament to allow councils to meet and vote remotely, Wales and Scotland already allow this. England is being left behind.

Therefore:

**This Council mandates the Leader to write to the new Secretary of State for Levelling Up, Housing and Communities to call for parity across the UK and enable councillors in England to meet and vote on line as they see fit.”**

The **MOTION** was **MOVED** by Councillor Mrs N Woollatt and seconded by Councillor A Wilce.

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

Discussion took place regarding:

- Recent issues with meetings nearly being inquorate due to isolation, the fact that hybrid meetings were working well and that revised legislation would allow flexibility.
- The need to lobby Government so that England was in line with other nations within the United Kingdom with regard to holding public meetings remotely
- What could be done at a local level
- It would be up to the Government to amend the legislation to allow remote public meetings

- The need for guidelines, so that members did not just attend meetings remotely, there needed to be good reason for not attending in person
- Whether it was too easy just to stay at home and that this took away the importance of Council meetings
- A view that there was a need to get back to where we were pre pandemic
- The risk of attending public meetings when the virus was still apparent
- The ability to dial into a meeting would open up access to meetings and provide flexibility and would be good for the climate, emissions of travel and save money
- People's lives have changed through the pandemic and that there was a need for flexibility

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

**70 Cabinet – Report of the meeting held on 31 August 2021 (00-39-33)**

The Leader presented the report of the meeting of the Cabinet held on 31 August 2021.

**71 Cabinet - Report of the meeting held on 28 September 2021 (00-40-20)**

The Leader presented the report of the meeting of the Cabinet held on 28 September 2021.

**72 Scrutiny Committee - Report of the meeting held on 13 September 2021 (00-41-16)**

The Chairman of the Scrutiny Committee presented the report of the meeting of the Committee held on 13 September 2021.

**73 Scrutiny Committee - Report of the meeting held on 11 October 2021 (00-41-57)**

The Chairman of the Scrutiny Committee presented the report of the meeting of the Committee held on 11 October 2021.

Councillor B A Moore requested that the Chairman of the Committee reconsider the removal of the scheduled attendance of the Cabinet Members at meetings of the Scrutiny Committee.

**74 Audit Committee - Report of the meeting held on 21 September 2021 (00-51-16)**

In the absence of the Chairman and Vice Chairman of the Audit Committee Councillor N V Davey presented the report of the meeting of the Committee held on 21 September 2021.

**75 Environment Policy Development Group - Report of the meeting held on 7 September 2021 (00-52-42)**

The Vice Chairman of the Environment Policy Development Group presented the report of the meeting of the Group held on 7 September 2021.

**76 Home Policy Development Group - report of the meeting held on 14 September 2021 (00-53-13)**

The Chairman of the Homes Policy Development Group presented the report of the meeting held on 14 September 2021.

**77 Economy Policy Development Group - Report of the meeting held on 9 September 2021 (00-53-47)**

The Chairman of the Economy Policy Development Group presented the report of the meeting of the Group held on 9 September 2021.

**78 Community Policy Development Group - Report of the meeting held on 21 September 2021 (00-54-23)**

The Chairman of the Community Policy Development Group presented the report of the meeting of the Group held on 21 September 2021.

**79 Planning Committee - Report of the meeting held on 8 September 2021 (00-55-13)**

The Chairman of the Planning Committee presented the report of the meeting of the Committee held on 8 September 2021.

**80 Planning Committee - Report of the meeting held on 22 September 2021 (00-55-59)**

The Chairman of the Planning Committee presented the report of the meeting of the Committee held on 22 September 2021.

**81 Planning Committee - Report of the meeting held on 6 October 2021 (00-56-36)**

The Chairman of the Planning Committee presented the report of the meeting of the Committee held on 6 October 2021.

The Chairman also paid tribute to the former Chairman of the Committee, Councillor Mrs F J Colthorpe, highlighting her long service and commitment to the work of the committee.

Members showed their appreciation with a round of applause for Councillor Mrs Colthorpe.

**82 Standards Committee - Report of the meeting held on 13 October 2021 (1-01-53)**

The Chairman of the Standards Committee presented the report of the meeting of the Committee held on 13 October 2021.

**1. Model Code of Conduct**

The Chairman of the Standards Committee **MOVED** seconded by the Leader:

**THAT** the recommendation of the Committee as set out in Minute 21 be **ADOPTED**

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

**Reason for the decision** – there is a requirement for the Code of Conduct to be kept up to date.

## **2. Outcomes of the Governance Review (Minute 22)**

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

**THAT** the recommendation of the Committee as set out in Minute 22 be **ADOPTED**

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

**Reason for the decision** – to bring the Audit Committee in line with the Policy Development Groups.

### **83 Regulatory Committee - Report of the meeting held on 27 September 2021 (1-03-56)**

The Chairman of the Regulatory Committee presented the report of the meeting of the Committee held on 27 September 2021.

#### **1. Mobile Homes Fit and Proper Person Fee Charge and Policies (Minute 14)**

The Chairman of the Regulatory Committee **MOVED** seconded by Councillor Mrs E J Slade:

**THAT** the recommendations of the Committee as set out in Minute 14 be **ADOPTED**

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

Reason for the Decision – as this was a new policy, it must be agreed by Council and added to the Policy Framework.

### **84 Questions in accordance with Procedure Rule 13 (1-05-17)**

There were no questions submitted under Procedure Rule 13.2.

### **85 Leader's 6 monthly update to Council (1-05-25)**

The Leader addressed the Council reflecting on the last six months in the life of Mid Devon District Council, the efforts of members as well as officers and the achievements during this period. He referred to the pandemic and the impact of this, the vaccine roll out, the challenges still in place and the ambitions of the council for better economic fortunes for people, better homes and housing options as well as a strengthened community and environment.



He highlighted the themes within the corporate plan and the work that had taken place:

#### Homes:

- The delivery of a comprehensive new Housing Strategy
- The restructured housing service designed around the needs of tenants
- The exploration of modular hubs, net zero and social housing options
- The management of arrears
- Funding for new enforcement approaches to energy efficiency standards in private sector housing
- New Homes Residents Survey
- The appointment of officers to lead on securing the delivery of more affordable housing in the district

#### Economy

- The reduction of the planning back log
- The work that had taken place to reduce the backlog in S106 funding
- The bid that had been submitted to the Levelling Up Fund of £14.5m for the Cullompton Relief Road
- The work taking place with regard to infrastructure for the Tiverton Eastern Urban Extension
- The promotional work taking place within the Economy department directed at tourism
- The Cullompton Heritage Action Zone grants scheme had been established
- The strategic work that had taken place with regard to the Cullompton Railway Station and the town centre masterplan, also the continued work taking place with regard to the Garden Village
- The occupancy rates at Tiverton Pannier Marker

#### Community

- The public response to the pandemic and effective partnership working that had taken place with various stakeholders
- Licensing policies progressed
- Continued air quality work
- The use of assets for vaccination centres

#### Environment

- The appointment of a climate and sustainability specialist officer
- Continued work on the Climate Change Action Plan and successful bids to secure funding as part of the public sector decarbonisation scheme
- Continued promotion and fitting of electric car chargers in car parks
- How the waste and recycling service had been maintained throughout the pandemic

## Corporate

- Enhanced strategic and operational management of the Covid risk to the organisation through updated business continuity plans, risk assessments and guidance
- Involvement with the Local Resilience Forum
- The procurement of major IT upgrades to help operationalise hybrid working
- Completed the annual Statement of Accounts
- Management of local Land charges despite an increase in the number of searches
- Held meetings remotely throughout the pandemic and then hybrid meetings
- The increased collection rates for council tax and business rates
- The amount of business granted processed and paid.

He also informed the meetings that Climate Change would be the subject of the State of the District Debate with a view to identifying how the Council may assist in carbon reduction across the community, timescales and the possible cost.

Note: Due to technical issues, the meeting lost the zoom connection and therefore the recording stopped from this point in the meeting.

### **86 Special Urgency Decisions**

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 that period

### **87 Questions to Cabinet Members**

Councillor Holdman addressing the Cabinet Member for Finance asked whether a pre-Christmas free parking scheme had been considered in the 3 main towns.

The Cabinet Member responded stating that he had not yet considered this but that he would look into the matter.

Councillor F W Letch addressing the Cabinet Member for Planning and Economic Regeneration (in his absence) asked whether a timetable for the Crediton Masterplan was available.

The Leader stated that he would request that the Cabinet Member respond to Councillor Letch.

Councillor J Cairney addressing the Cabinet Member for Community Well-Being asked whether leisure centre memberships were back to pre-pandemic levels.

The Cabinet Member responded stating that he was due an update at the weekend and would circulate the latest figures.

Councillor Barnell addressing the Cabinet Member for Planning and Economic Regeneration (in his absence) referred to his question at the previous meeting with regard to the Tiverton Eastern Urban Extension and the capacity of staff to which he had not received a response.

The Leader apologised and stated that he would take this up with the Cabinet Member.

Councillor Barnell addressing the Cabinet Member for Finance referred to the Medium Term Financial Plan (MTFP) which had been discussed in full at the Cabinet meeting the previous day. He referred to the lack of net zero items included in the strategy and that several costings provided to the Net Zero Advisory Group (NZAG) had been omitted. He asked for clarification of what had been included in the MTFP and whether an itemised list of items could be shared.

The Cabinet Member stated that the MTFP was an assessment of medium term financial issues but that he would provide some cross referencing from the MTFP and the items discussed at NZAG.

Councillor Dolley made reference to car parks in Westexe, Tiverton and whether they could be included in any free parking initiative. He also made reference to an empty unit in Westexe North.

The Cabinet Member for Housing and Property Services stated that he would look into the matter.

## **88 Members Business**

The Leader informed the meeting that from 20 November an additional train service had been established serving Okehampton and Exeter which would also serve Crediton as well.

Councillor J M Downes also stated that since Government funding had been released for the re-opening of stations, Okehampton station had been operational within a year.

Councillor G Barnell raised concerns with regard to the budget setting process. He referred to a year ago when members were told that strategic discussion would be held, those discussions with members had not taken place. He understood that the Policy Development Groups would be required to find savings when they met in November, however no proposals had been put forward by the Cabinet and he therefore requested that these come forward for discussion.

Councillor Mrs N Woollatt thanked officers for their involvement in the revised room layout for Council and that she felt that the layout had worked well and requested any feedback for future meetings of the Council.

Councillor B Holdman thanked officers and members for their support of Allies- Mid Devon who had worked to restore the fountain in Peoples Park and identified the other projects that the group were working on.

The Leader stated that he continued to meet with staff in off-site locations and thank them for their work.

Councillor Dolley wished to thank the Civic Officer for her work with regard to Armistice Day.

(The meeting ended at 7.40 pm)

**CHAIRMAN**

## MID DEVON DISTRICT COUNCIL

**MINUTES** of a **MEETING** of the **CABINET** held on 26 October 2021 at 10.00 am

### **Present**

#### **Councillors**

R M Deed (Leader)  
Mrs C P Daw, R Evans, D J Knowles,  
B A Moore, C R Slade and Mrs N Woollatt

### **Apologies**

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

R J Chesterton

### **Also Present**

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

G Barnell, S J Clist, L J Cruwys, B Holdman, 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 Business Improvement and Operations), Richard Marsh (Director of Place), Karen Trickey (District Solicitor and Monitoring Officer), Andrew Busby (Corporate Manager for Property, Leisure and Climate Change), Lisa Lewis (Corporate Manager for Business Transformation and Customer Engagement), Simon Newcombe (Corporate Manager for Public Health, Regulation and Housing), Tristan Peat (Forward Planning Team Leader), Sarah Lees (Member Services Officer) and Sally Gabriel (Member Services Manager)

## **81. APOLOGIES**

Apologies were received from Cllr R J Chesterton.

## **82. PUBLIC QUESTION TIME (00-03-50)**

There were no questions from members of the public present.

## **83. DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (00-03-56)**

Members were reminded to make any declarations of interest when necessary.

## **84. MINUTES OF THE PREVIOUS MEETING (00-04-20)**

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

## **85. HOUSING STRATEGY (00-04-49)**

The Cabinet had before it a \* report of the Corporate Manager for Public Health, Regulation and Housing providing Members of the Cabinet with an opportunity to

adopt the proposed revised corporate Housing Strategy (Annex 1) following the recent completion of external and public consultation. Details of the consultation were set out within the report. The consultation responses and outcomes were set out in Annex 2.

The Cabinet Member for Housing and Property Services outlined the contents of the report initially thanking officers for their work in creating such a comprehensive document which would provide a strategy for housing for four years. The strategy had been considered by the Homes Policy Development Group and the Scrutiny Committee.

Consideration was given to:

- The consultation process, the lack of responses and the various platforms used for the consultation
- Whether the strategy was ambitious enough with regard to affordable and social rented housing
- A mechanism to monitor housing numbers and the need for an integrated approach to performance management, how the delivery of the strategy would be reported via the Homes Policy Development Group and that there was a commitment to review the strategy on an annual basis.
- The need to identify the village communities, specifically community housing schemes, the meeting was informed with regard to a housing needs survey which had been sent to parishes.
- Funding for projects, affordability and possible grant funding
- Objective 26 – climate change and existing Council housing stock and affordability

**RESOLVED** that the Housing Strategy for 2021-25 be approved.

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

Reason for the Decision – there is a need to ensure that an updated strategy is formally adopted allowing for the delivery against the strategic priorities and objectives over the strategy period of 4 years.

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

#### 86. **SOUTH WEST BANK UPDATE (00-30-36)**

The Cabinet had before it and **NOTED** a \*report of the Deputy Chief Executive (S151) providing an update on the formation of South West Mutual.

The Cabinet Member for Finance outlined the contents of the report stating that the update was provided to give visibility to the project, although progress had been slow due to the economic climate, the pandemic and the challenge of setting up a bank due to regulatory hurdles; the Council would continue to monitor and support the project.

Consideration was given to:

- How realistic was the project given the amount of money it would take to make it operational and whether such a bank could succeed – the lack of big banks in the community and the hope that the project would succeed
- Whether the Council's contribution to the project could be returned if the project failed seeing that there was a need for the Council to make savings across the board.
- The fact that such a bank would benefit residents
- The risk of the Council's investment and the amount of percentage on return if the project succeeded. It was reported that the initial investment would not be refundable but if the project was successful then the dividends/returns would be of value.

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

#### 87. **MEDIUM TERM FINANCIAL PLAN - 2022/23 - 2026/7 (00-47-08)**

The Cabinet had before it a \*report of the Deputy Chief Executive (S151) presenting to Member's the updated Medium Term Financial Plan (MTFP) which covered the period 2022/23 to 2026/27 and took 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 demonstrated it had the financial resources to deliver the Corporate Plan.

The Cabinet Member for Finance outlined the contents of the report stating that the MTFP was based on assumptions, it was not a plan or a budget but the best prediction that could be made at the current time and showed how the Council would strategically manage its finances in order to support the delivery of the priorities detailed in the Corporate Plan. He highlighted appendix 2 which considered the shortfall in the General Fund for the next financial year and following years, the budget options to address the budget gap, the detail within the Capital Programme highlighted within Appendix 5 and the borrowing requirements.

Consideration was given to:

- The HIF projects and the possible shortfall and whether that would be recouped via planning obligations
- The gap in the General Fund had been discussed as early as the beginning of the year and strategic discussions were promised but had not taken place with Members
- There was a need for a clear strategy to fund the gap in the budget
- The Cabinet Member for Finance and the S151 officer were willing to meet with members to hear their ideas
- It was felt that this was a problem for the Cabinet and that members wished to see clear proposals and plans
- The borrowing set out within the Capital Programme and the funding of 3 Rivers Developments Limited which would increase the debt – the meeting was informed that the social housing programme would be supported through borrowing and possible grant funding via Homes England
- Whether there was any provision in the MTFP for the Council to be Carbon neutral and the cost of retro fitting the current housing stock
- Possible 3 Rivers impairments

- The bid for the Levelling Up Fund and why was it assumed that only the Cullompton Relief Road bid would be successful and not the Tiverton Urban Extension – the meeting was informed that the Council was only allowed to identify one project and that a decision was expected in December
- The multi million pound loan to 3 Rivers was not mentioned specifically as an ongoing risk – surely it was a significant risk as identified by the Auditors – the meeting was informed that all investments were a risk, but the investments had been approved as part of the Business Plans; with regard to the Audit, controls were in place and the risk was being managed

It was **AGREED** that:

- a) The updated MTFP's for the General Fund and Housing Revenue Account and the updated Capital Programme all covering the five years 2022/23 to 2026/27 be noted.
- b) The proposals outlined in paragraph 9.2 as the approach to balancing the General Fund Revenue Budget be endorsed.

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

#### 88. **BEECH ROAD, TIVERTON - PROJECT DELIVERY (1-21-49)**

The Cabinet had before it a \* report of the Corporate Manager for Property, Leisure and Climate Change. Following the withdrawal of the original Contractor number 2, there was a need for Cabinet to award the contract for the construction of three Council properties, using a JCT Design & Build 2016 Contract (as amended) to Contractor number 1.

The Cabinet Member for Housing and Property Services outlined the contents of the report informing the meeting that the original contractor had pulled out which had stalled the project and alternatives to the proposal had been considered i.e. the use of modular housing, however this was a site that would be funded by one to one returns and needed to be completed by next March. He identified the sustainable construction methods that would be used and the need to utilise the funding available within the dedicated timescales.

Members of the Cabinet welcomed the specifications and were pleased to support the scheme.

**RESOLVED** that: The Deputy Chief Executive (S151) and the Deputy Leader and Cabinet Member for Housing and Property Services be given delegated authority to award the contract for works required to provide three social rented houses at Beech Road in Tiverton.

- (i) To Contractor 1 under a JCT Design and Build Contract 2016 (as amended).
- (ii) To approve a £22k increase be approved for project contingency as detailed in paragraph 5.9 of the report.

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



**Reason for the decision** – there is a need for the tender to be approved to allow the housing project to be progressed.

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

89. **ANNUAL REPORT OF COMPLAINTS AND COMPLIMENTS (1-30-28)**

The Cabinet had before it and **NOTED** a report of the Corporate Manager for Digital Transformation and Customer Engagement providing information with regard to compliments, comments and complaints.

The Cabinet Member for the Working Environment and Support Services outlined the contents of the report explaining the reasons for the increase in complaints, compliments and comments received throughout the pandemic.

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

90. **UPDATE FROM THE CABINET MEMBER FOR CONTINUOUS IMPROVEMENT (1-32-00)**

The Cabinet Member for Continuous Improvement informed the meeting that she had agreed to hold surgeries with members prior to scheduled meetings in Phoenix House.

She had dealt with 31 cases during the month, 1 of which was closed, 24 had been actioned and continued to be monitored and the remaining 17 were with the directors. She was also reviewing housing voids, working closely with the Corporate Manager.

She thanked the Policy Research Officer for her work.

Consideration was given to the good work that was taking place and whether the Cabinet Member would be looking into the complaints that had been received highlighted within the previous item. It was agreed that she would address those issues in time.

91. **NOTIFICATION OF KEY DECISIONS (1-38-25)**

The Cabinet had before it and **NOTED** it's \*rolling plan for November/December 2021 containing future key decisions.

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

92. **3 RIVERS DEVELOPMENTS LIMITED UPDATE REPORT (1-39-25)**

The Cabinet had before it an update \*report from the Deputy Chief Executive (S151).

The Cabinet Member for Housing and Property Services outlined the contents of the report stating that the Company were compiling the business plan which would be considered at the Scrutiny and Audit Committees in November and that the St Georges site would be marketed in January

Consideration was given to whether the business plan and the forthcoming Teckal report would consider key issues with regard to continued development and how such development would be sustained and maintained.

Note: \*Report previously circulated.

(The meeting ended at 11.44 am)

**CHAIRMAN**

## MID DEVON DISTRICT COUNCIL

**MINUTES** of a **MEETING** of the **CABINET** held on 30 November 2021 at 10.00 am

**Present  
Councillors**

R J Chesterton, Mrs C P Daw, R Evans, (in the Chair) D J Knowles, B A Moore, C R Slade and Mrs N Woollatt

**Councillor(s)** R M Deed was present via Zoom (the Deputy Leader in the Chair)

**Also Present  
Councillor(s)** G Barnell, L J Cruwys, R J Dolley, B Holdman, B G J Warren and A Wilce

**Also Present  
Officer(s):** Andrew Jarrett (Deputy Chief Executive (S151)), Jill May (Director of Business Improvement and Operations), Richard Marsh (Director of Place), Karen Trickey (District Solicitor and Monitoring Officer), Darren Beer (Operations Manager for Street Scene), Andrew Busby (Corporate Manager for Property, Leisure and Climate Change), Simon Newcombe (Corporate Manager for Public Health, Regulation and Housing), Dean Emery (Corporate Manager for Revenues, Benefits and Recovery), Catherine Yandle (Operations Manager for Performance, Governance and Health & Safety), Philip Langdon (Solicitor), Matthew Page (Corporate Manager for People, Governance and Waste), Tristan Peat (Forward Planning Team Leader), Deborah Sharpley (Solicitor), Paul Brockway (Culm Garden Village Project Manager), Sylvia Holme (Executive Assistant) and Sally Gabriel (Member Services Manager)

**Also in  
Attendance:** Nick Sanderson (Managing Director 3 Rivers Developments Limited)

93. **APOLOGIES (00-02-35)**

There were no apologies for absence.

94. **PUBLIC QUESTION TIME (00-02-46)**

Andrea Glover referring to Item 18 on the agenda (Forward Plan) stated that after speaking to some of the wider Gypsy and Travelling Community and lorry drivers, they feel not a lot speak to them on the needs of the areas, not just locally but surrounding areas and across the country.

With a housing crisis on our hands and lack of social housing/the new bill to stop people parking/staying on the side of the roads it is becoming increasingly hard for family to come and visit, we have a need for transit sites and lorry parks so people can travel freely without the fear of prosecution as they travel between areas. We seem to lack in parking for Travellers and Lorry Drivers that could be added into local plans in areas across the region.

They speak of no public engagement like when they used to have, when Glen Crocker used to work for MDDC 15 years ago who used to actively engage with all. I think they are right, they do not get any engagement or public consultation in plans such as the Tiverton master plan of the culm garden village and many other areas.

They/I very much don't feel they are included in Devon within most local plans, but have children that need their own pitches and others who are coming up to need one. Would Mid Devon act and speak to more on addressing some of the issues and linking up some of the needs for traveller's gypsy's and lorry Drivers.

They feel that Mid Devon District Council are not speaking to them about the local community needs with regards to planning needed within their areas, the future or transit areas. With the only officer at DCC being Sabrina Thomas who actively tries to help travellers. I think it would be a good step forward to ask Sabrina to set up a meeting so we can actively address the needs of the travelling community.

The Chairman read a statement on behalf of Mr Quinn referring to item 19 (3 Rivers Developments Ltd – Business Plan)

Within paragraph 2.5 of the 3 Rivers Development Ltd Business Plan, there is a table setting out the “Financial transactions between 3 Rivers and Mid Devon District Council”. Some of the figures in the table differ from the amounts given to Elected Members on previous occasions. These differences cast doubt on the reliability of the accounting of the financial transactions between 3Rivers and Mid Devon DC. I am concerned.

So my question is:

Is Cabinet satisfied that all the financial transactions between 3 Rivers and Mid Devon DC are being properly recorded and reported?

The Chairman indicated that answers to questions would be provided when the matter was discussed.

**95. DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (00-06-47)**

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

**96. MINUTES OF THE PREVIOUS MEETING (00-07-03)**

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

## 97. AIR QUALITY ACTION PLAN (00-07-40)

Following a report of the Corporate Manager for Public Health, Regulation and Housing, the Community Policy Development Group had made the following recommendations:

1. That the updated Air Quality Actions Plan attached in Annex 1 be adopted;
2. That the details and timelines for the adoption of the updated Air Quality Supplementary Planning Document via the Planning Policy Development Group as set out in section 5.3 of the report be **NOTED**

The Cabinet Member for Community Well-Being outlined the contents of the report stating that the action plan provides actions that the Council would deliver between 2021-25 to reduce concentrations of air pollutants and exposure to air pollution, thereby positively impacting on the health and quality of life of residents and visitors to Mid Devon. He outlined the legal requirements to produce actions plans where an authority had designated one or more Air Quality Management Areas. He requested that the Cabinet consider an amendment to annex 1 to the report, table 10 of the action plan, measure 15 to read

Under measure – Kings Mill Industrial site traffic management Cullompton Junction 28 and Cullompton town centre

Under Key Performance Indicator – Improved traffic flows to/from industrial site through Junction 28 and across Cullompton town centre.

Progress to date - Local Plan submission proposes a number of solutions alongside traffic/parking enforcement.

Comments – The new Local Plan proposed upgrades to the existing road network to support growth of industrial estate and reduce congestion. As the site will increase in size, thus increasing volumes trying to leave/enter the M5, a range of initiatives are proposed to deal with the problem. This will work in parallel with anti-idling and parking enforcement across the town centre.

Consideration was given to:

- Examples of queues from Culm Lea to J28 and the need to incorporate the town centre within measure 15
- When the Planning Policy Advisory Group would consider the supplementary planning guidance
- Issues of dust emission
- Reporting to Defra and the need to evidence any issues
- The need for enforcement in Cullompton town centre and now that the measure was within the action plan then Devon County Council would have to consider this.
- The level of resources available to improve the air quality in Mid Devon and that S106 contributions could be used.

**RESOLVED** that the recommendation of the Policy Development group be approved, subject to the amendments to Measure number 15 as outlined above.

(Proposed by Cllr D J Knowles and seconded by Cllr Mrs N Woollatt)

**Reason for the decision:** The adoption and implementation of an Air Quality Action Plan (where an authority has designated one or more Air Quality Management Areas) is a statutory requirement.

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

98. **RECOMMENDATIONS FROM SCRUTINY COMMITTEE (PLANNING ENFORCEMENT WORKING GROUP) (00-25-37)**

The Cabinet had before it the recommendations from the Scrutiny Committee following receipt of the \*report of the Planning Enforcement Working Group and a table reviewing those recommendations.

The Chairman invited the Chairman of the Scrutiny Committee to address the meeting. He reported that the report has been informed by open and honest input from officers and it was pleasing to see that some of the recommendations had already been actioned. He voiced concern with regard to the interpretation of recommendation (4) – the working group had requested that tablets with mobile phone connections be linked to MDDC systems, however officers had been issued with iPads suitable to undertake onsite work – he hoped that the Cabinet would support the recommendation and action it as intended.

It was explained that iPads had been distributed to the enforcement and planning officers which were tethered to their mobile phones but that phone signals were poor in many areas of the district and that these items of equipment did not feed into the UNIFORM system.

The Cabinet Member for Planning and Economic Regeneration stated that in his opinion recommendations (4) and (9) had been completed; recommendation 8 (a review of the policy) had been completed and that recommendation 2 was being actioned.

It was agreed that improvement had been made to the enforcement issues. With regard to recommendation (6), it was felt that the work of the Cabinet Member for Continuous Improvement overcame the issues raised with regard to the formation of a sub group to monitor enforcement cases.

Consideration was given to:

- The financial/budgetary issues within the recommendations and it was suggested that the Scrutiny Committee could consider this as part of the budget papers that would be presented to members
- Although the Enforcement Policy had been reviewed in line with the recommendation, it would be re-written in time to consider enforcement across all services of the authority
- A view that members should have insight into the monitoring of enforcement activity
- The current recruitment process that was taking place
- The monitoring of conditions that was taking place and the process that was being followed

- The Scrutiny Committee had scheduled a review date to consider whether the actions suggested had been followed through

It was **AGREED** that the recommendations of the Scrutiny Committee be **NOTED** and that the activity log be moved forward where possible.

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

99. **PUBLIC SPACE PROTECTION ORDER - DOGS (00-59-48)**

The Cabinet had before it a \*report of the Operations Manager for Street Scene and Open Spaces considering whether to make a proposed variation to the Mid Devon (Public Spaces Protection) (Dog Control) Order 2021.

The Chairman indicated that approval was required for further consultation and consideration of responses would be required before the Order is made, to add two locations to the list of areas in the PSPO where dogs are only allowed on leads, add one location to the list of areas in the PSPO where dogs are excluded; and correct a plan within the existing PSPO which shows the wrong area of land.

The Cabinet Member for the Environment and Climate Change stated that there were a small number of omissions that required rectifying.

**RESOLVED** that:

1. On being satisfied that the statutory grounds for varying the Mid Devon (Public Spaces Protection) (Dog Control) Order 2021 are met as detailed in the Report, it was agreed to commence public consultation on the proposed variation order (Appendix A) which will:
  - (a) designate the Locations in Hemyock, as shown on the plans attached to this report at Appendix B and Appendix C, as areas where dogs are only allowed if on leads,
  - (b) designate the Location in Kentisbeare, as shown on the plan attached to this report at Appendix D, as an area where dogs are excluded, and
  - (c) amend Plan 82 of the PSPO to show the play area at Siskin Chase, Cullompton.
2. In the event that there are no material objections to the variation order as determined by the Operations Manager for Street Scene and Open Spaces in consultation with the Cabinet Member for the Environment and Climate Change to grant delegated authority to the Operations Manager for Legal and Monitoring to make the Variation Order (subject to any minor variations as he/she considers appropriate).
3. In the event that the above delegation is not exercised, the matter be reported back to Cabinet for consideration.

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



**Reason for the decision** – there is a need for the variation to the PSPO to be consulted upon and if approved form part of the original PSPO.

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

#### 100. **STAFF RECOGNITION AND WELLBEING APPRECIATION (1-02-38)**

The Cabinet had before it a \*report of the Chief Executive considering how best to address the current workforce issues and recognise the work done by all staff throughout the pandemic and to show the council's appreciation for their efforts.

The Cabinet Member for Working Environment and Support Services outlined the contents of the report thanking all members who had recognised the work of officers during the pandemic, those who had worked behind the scenes, and those who had provided food and emergency welfare and responded to the civil emergency. Although challenges were slightly different there was still the same level of pressure with regard to resources. It was felt that this work needed to be recognised. She felt that the recommendation within the report required clarification and therefore put forward the following wording with regard to (1) to read that:

1. That Cabinet recommends to Council that the efforts of all council staff are publicly recognised:
  - with a statement of appreciation recognising the extraordinary efforts and lengths they have gone to over the past 20 months;
  - the addition of a 'wellbeing' day (per fte) to their leave allowance; and
  - a one-off, non-pensionable award of £250 (per fte) in January's pay

Consideration was given to:

- The percentage of staff turnover and the issues with retention of staff – it was felt that retention of staff was a national problem for local government at this time
- Whether Members should receive a briefing on staffing issues
- The need to acknowledge the work of the staff
- Regular six monthly updates on workforce matters received by the Scrutiny Committee

**RECOMMENDED** to Council that:

1. The efforts of all council staff are publicly recognised:
  - with a statement of appreciation recognising the extraordinary efforts and lengths they have gone to over the past 20 months;
  - the addition of a 'wellbeing' day (per fte) to their leave allowance; and
  - a one-off, non-pensionable award of £250 (per fte) in January's pay
2. The measures set out within the report being taken to address current workforce issues be approved.

(Proposed by Cllr Mrs N Woollatt and seconded by Cllr Mrs C P Daw)



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

**101. PHASE 3 PUBLIC SECTOR DECARBONISATION BID AND DELEGATION OF AUTHORITY (1-20-36)**

The Cabinet had before it a \*report of the Corporate Manager for Property, Leisure and Climate Change outlining the latest opportunity presented by the Public Sector Decarbonisation Scheme and the Council's ambition to seek substantial funding from Phase 3 of the scheme.

The Cabinet Member for Housing and Property Services outlined the contents of the report stating that the Council was successful in obtaining £348,821 under Phase 2 of the same scheme. Approval was being sought now, subject to a successful bid, to receive and expend circa £3m funding from Salix Finance, a Non-Departmental Public Body. This project would undertake low carbon retrofit projects on Exe Valley and Lords Meadow Leisure Centres. Grant Funding Awards would be announced during January 2022, with a delivery timeframe of 12 months.

Consideration was given to:

- The benefits of a successful scheme
- Utilising carport framework within the council owned car parks to house additional solar panels

**RECOMMENDED** to Council that:

- (i) The Deputy Chief Executive (S151) in consultation with the Deputy Leader and Cabinet Member for Housing and Property Services be given delegated authority to take all necessary actions to accept the £3,079,032 Public Sector Decarbonisation Scheme (Phase 3) 2021, including any contract variations on the existing Energy Saving Performance Contract and approval of any necessary design changes.
- (ii) The Deputy Chief Executive (S151) in consultation with the Deputy Leader and Cabinet Member for Housing and Property Services be given delegated authority to award the necessary contract(s) for the delivery of the works for the Public Sector Decarbonisation Scheme (Phase 3) 2021 up to the value of £3m.
- (iii) To approve the financial contribution required to meet the conditions of the grant of £276,602 as set out in para 5.5, reducing the grant to £2,802,430.

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

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

**102. DISPOSAL OF CREDITON TOWN SQUARE (1-25-45)**

The Cabinet had before it a \*report of the Corporate Manager for Property, Leisure and Climate Change seeking approval for the lease of the Town Square Crediton to Crediton Town Council.

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

**RESOLVED** that the lease of the Town Square, Crediton to Crediton Town Council be approved.

(Proposed by the Chairman)

**Reason for the decision** – there is a need for formal approval to lease the Town Square, Crediton to the Town Council.

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

### 103. **INFRASTRUCTURE FUNDING STATEMENT - INFRASTRUCTURE LIST (1-26-45)**

The Cabinet had before it a \*report of the Director of Place 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 2021.

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<sup>st</sup> December each year an annual Infrastructure Funding Statement.

This comprised of a statement of the infrastructure projects or types of infrastructure which the charging authority intended will be, or may be, wholly or partly funded by CIL and this was known as the "infrastructure list". The statement also included a report about CIL in relation to the previous financial year, and a Section 106 Report related to the previous financial year on planning obligations.

He explained that Mid Devon District Council was not a CIL charging authority and reminded the Cabinet of the Council's decision on 21<sup>st</sup> January 2021 to withdraw the Mid Devon Community Infrastructure Levy draft Charging Schedule from its examination and that a CIL was no longer progressed.

The Section 106 Report was a factual statement relating to the previous financial year on planning obligations. This was currently being prepared and Members would be notified when this had been completed, before it was published on the Council's website by the 31<sup>st</sup> December.

In line with the approach taken previously in 2020 the Council may still consider it useful, as well as transparent, for it to publish a list of the infrastructure to be funded wholly or partly by S106 contributions over the forthcoming year.

He outlined the contents of appendix 1 which included an infrastructure list and affordable housing and the detail of how the infrastructure items were listed and stated that the New Local Plan for Mid Devon would provide an opportunity to review the infrastructure needed to support new development where this is planned across the district.

Questions were raised with regard to why the Boniface trail was listed as local and was not a strategic issue – the criteria was explained and how this fed into the Local Plan.

**RESOLVED** that the following be approved:

1. The list of infrastructure and affordable housing in Appendix 1 that the Council intends to fund, either wholly or partly, by planning obligations and the future spending priorities on these
2. The inclusion of Appendix 1 – Infrastructure List in the Mid Devon Infrastructure Funding Statement to be published on the Council's website by 31<sup>st</sup> December 2021

(Proposed by Cllr R J Chesterton and seconded by Cllr D J Knowles)

**Reason for the decision** – there is a legal requirement that the list of infrastructure funding statement be published no later than 31 December each year.

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

#### 104. **CULLOMPTON TOWN CENTRE RELIEF ROAD (CTCRR) PROJECT (1-34-04)**

The Cabinet had before it a \* report of the Director of Place provided in relation to the LUF (Levelling-up Fund) application and requesting approval of the recommendations in order to allow officers to continue to examine potential opportunities to secure the additional funding required to support the delivery of the Cullompton town centre relief road.

The Cabinet Member for Planning and Economic Regeneration outlined the contents of the report stating that the council had been informed that it had not been successful in securing the Levelling Up funding to support the Cullompton town centre relief road project, the reasons for this at the current time were unknown, but a meeting with the Ministry had been requested; it was hoped that this would allow officers to understand any technical aspects in the bid which had resulted in the application being unsuccessful. With regard to the Housing Infrastructure Fund (HIF) grant, he reported that some of this funding had already been utilised in progressing the scheme and unless the scheme was completed the Council was at risk of claw back of this funding.

Consideration was given to:

- Whether the HIF granted could be renegotiated
- The proposed meeting with the Ministry
- The increase in costs of the scheme
- Other possible sources of funding and discussions taking place with Devon County Council, Homes England and the Ministry for Levelling Up
- Discussions taking place with the MP

It was **NOTED** that the Council has been advised that, at this time, it has not been successful in securing funding through the Levelling-Up Fund in order to enable the delivery of the Cullompton town centre relief road.

**RESOLVED** that:

That, in light of the above and reflecting the Cabinet decision of the 3<sup>rd</sup> August 2021, approval is given for officers to;

- a) work to explore other funding opportunities which could deliver the additional funding required to enable the delivery of the Cullompton town centre relief road, and;
- b) bring a further report before Cabinet as soon as possible in order to update members on the progress of discussions and the options available to the Council in relation to the delivery of the relief road project.

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

**Reason for the decision** – there is a need to explore further funding opportunities.

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

#### 105. **DEVON PROCUREMENT PARTNERSHIP (1-47-26)**

The Cabinet had before it a \* report of the Deputy Chief Executive (S151) seeking approval to enter into a long term partnership with Devon County Council to provide procurement advice and support to the Council.

The Cabinet Member for Finance outlined the contents of the report stating that since April, the council had been without a Procurement Manager. Attempts to recruit had failed to attract sufficient interest from quality candidates. Therefore, the Council had been utilising support from Devon County Council. The report therefore sought Cabinet approval to take the pragmatic step and make that support arrangement more formal through to March 2027, taking advantage of the economies of scale and reducing the risk of a single point of failure.

**RESOLVED** that: approval be given to enter into the long term procurement partnership with Devon County Council.

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

**Reason for the decision**: to approve the work of this partnership proposal

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

#### 106. **MID YEAR - TREASURY MANAGEMENT UPDATE (1-48-58)**

The Cabinet had before it a \* report of the Deputy Chief Executive (S151) informing the Cabinet of the treasury performance during the first six months of 2021/22, to agree the ongoing deposit strategy for the remainder of 2021/22 and a review of compliance with Treasury and Prudential Limits for 2021/22.

The Cabinet Member for Finance outlined the contents of the report stating that the Mid-Year Treasury Management Report provided a performance update on the first half of 2021/22. Overall, it showed a relatively positive situation. The interest that had been earned was above budget despite historic low interest rates. Furthermore, no additional borrowing had been required due to current positive cash balances and lower than expected capital expenditure.

Cabinet was being asked to recommend to Council that this authority continued with the current treasury policy at Section 6 on the basis that it was evidently working well and that no major change was forecast in the next 6 months. Cabinet was also being requested to recommend to Council that the Capital Financing Requirement set out at Section 5 and the Operational Boundaries and Authorised Limits set out in Section 7 for the current year be updated to reflect current forecasts. He also made a correction to the paragraphs mentioned in the recommendation in the report.

Consideration was given to the statement that no short term borrowing had taken place and whether this included borrowing from cash reserves – it was explained that no external short term funding had taken place.

**RECOMMENDED** to Council that:

1. A continuation of the current policy outlined at paragraphs 7.1 - 7.5 be agreed.
2. Council approves the changes to the Capital Financing Requirement, Operational Boundaries and Authorised Limits for the current year at paragraphs 5.4 - 5.6.

(Proposed by Cllr B A Moore and seconded by Cllr D J Knowles)

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

#### 107. **FINANCIAL MONITORING (1-53-23)**

The Cabinet had before it 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 this presented the second Budget Monitoring for the year 2021 / 22 covering the period to end September 2021. The projected Outturn position for the General Fund was forecast to be £234k overspent. Income continued to be behind budget, notably in leisure and car parking, although service income on planning and waste service had exceeded expectations. On the cost front, staffing expenditure was down, reflecting difficulty in filling vacancies but savings were more than offset by higher agency costs within waste and planning service improvements. The predicted pay award uplift was now recognised in the figures. The forecast overspend remained manageable ultimately to achieve a balanced outcome but continued to be monitored closely.

He explained that in other areas the HRA was forecast to be £39k underspent, the projected Capital Programme outturn position was for an under spend of £2.13m and £22.6m slippage of costs into future years. This was primarily due to a reduction in deliverable development schemes as well as lending to 3RDL, now moved into later years.

In addition to the financial figures, Cabinet was also being asked to note the use of waivers for the procurement of goods and services as set out in Section 8 of the report and to note the feedback from the PDG review of the Medium Term Financial Plan.

Consideration was given to:

- The need to fund net zero issues and funding sources that could be made available
- The underspend on staff and the over spend on agency workers
- The need to continue to find savings and for all Members to take part in this exercise.

It was **AGREED** that following be **NOTED**:

1. The financial monitoring information for the income and expenditure for the six months to 30 September 2021 and the projected outturn position;
2. The use of Waivers for the Procurement of goods and services as included in Section 8;
3. The feedback and outcomes from the Policy Development Groups in respect of the Medium Term Financial Plan (MTFP) options (Section 9).

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

#### 108. **PERFORMANCE AND RISK (2-07-17)**

The Cabinet had before it and **NOTED** a \* report of the Operations Manager for Performance, Governance and Health & Safety providing Members with an update on the performance against the Corporate Plan and local service targets.

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

#### 109. **SCHEDULE OF MEETINGS FOR 2022/23 (2-08-39)**

The Cabinet had before it the \*Schedule of Meetings for 2022/23.

Consideration was given to the tightness of meetings in January/February 2023 and the need to hold the Council meeting on the last Wednesday of February to consider the Council Tax Resolution and the budget.

| **RECOMMENDED** to Council that the Schedule of Meetings for 2022/23 be approved.

(Proposed by the Chairman)

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

#### 110. **NOTIFICATION OF KEY DECISIONS (2-12-04)**

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

The Forward Planning Team Leader provided a response to the question asked in public question time: stating that he was concerned that the members of the travelling community felt their views were not being heard by the Council and that he could be contacted about this. The current Local Plan included provision for at least 25 pitches for Gypsies and Travellers as part of planned urban extensions at Tiverton, Cullompton and Crediton. It also included scope for planning proposals for gypsy and traveller accommodation elsewhere on sites that had not been identified in the Local Plan. The Council maintains a waiting list via its website for Gypsies and



Travellers to express a need for pitch in Mid Devon. This can be used to help the Council better understand housing need and to work with the development industry and partners to allocate pitches once these become available through new development. The Council's approved the Housing Strategy also included the delivery of new pitches as one of its housing objectives.

The Council had started to prepare a new Local Plan for Mid Devon. Subject to approval from the Council's Cabinet meeting on 4<sup>th</sup> January 2022 an Issues Paper would be published for public consultation, and this would provide an early opportunity for Mid Devon's residents, including Gypsies and Travellers to have their say on how the district should be planned for in the future. The new Local Plan would be subject to several further key stages of public engagement before being subject to an independent examination. Once adopted (anticipated in mid-2025) the new Local Plan would replace the current Mid Devon Local Plan 2013 – 2033. The new Local Plan would be informed by technical evidence, which would include the new Gypsy and Traveller Accommodation Assessment and it would need to make provision for the housing needs of the Gypsy and Traveller community. The Council would also consult with the travelling community through the Mid Devon Gypsy and Traveller Forum and a meeting for this would be arranged as part of the Issues Paper consultation.

The 2015 Gypsy and Traveller Accommodation Needs Assessment had indicated that there was a need for 4-5 transit sites/emergency stopping places in Devon. It was indicated that if those were provided before the need for residential pitches were met, there was a risk that they could end up being used as permanent residential sites. The Council would work with adjoining local authorities and Devon County Council as the local transport authority to explore what opportunities may exist on suitable land to provide stopping places for travellers and for parking lorries.

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

#### **111. 3 RIVERS DEVELOPMENT LTD BUSINESS PLAN (2-30-00)**

The Cabinet had before it a \*report with regard to the 3 Rivers Developments Limited Business Plan.

The Deputy Chief Executive (S151) provided a response to the question asked in public question time: the table that Mr Quinn refers to shows a summary of the inter related transactions between 3Rivers and the Council which was presented to the Audit and Scrutiny Committees at meetings in November, which unfortunately did contain some numeric typos.

The table shown in the agenda before members today (item 19) has amended these errors, however and unfortunately it is clear to see that one digit has been omitted from the column showing the 2017/18 - 2018/19 figures – it should read 271.0 not 71.0. The summary totals shown in the far right column are correct. As far as the accuracy of all of the financial transactions between the 2 entities – this is subject to full external audit by Grant Thornton. So I believe that the public should have no concerns.

The Cabinet Member for Housing and Property Services outlined the contents of the initial report stating that this was the first full business plan following recommendations made by the previous Cabinet and informed the meeting of the 33 recommendations that had come from a review of the company.

He outlined the comments made by the Scrutiny and Audit Committees as follows:

Scrutiny Committee – 8 November 2021

Members had raised questions with regard to the availability of certain sites for development, the need for the report on the possible creation of a Teckal company to be considered and noted that the financial risk of the company would be considered by the Audit Committee

Audit Committee – 16 November 2021

Having considered the Business Plan, the Committee made the following recommendations to the Cabinet:

- a. That the language used within the Business Plan be written in such a way as to be as understandable as possible and that all acronyms used to be explained by way of a Glossary of Terms;
- b. That an external audit firm be appointed by the company to audit the company's financial statements;
- c. That the Cabinet continue to closely monitor the progress of the company's Business Plan reporting any areas of concern, particularly relating to lending, back to Council.

Referring to the recommendations set out above he stated the business plan outlined the sites that were being considered and that a report with regard to the possible creation of a Teckal company would be brought before Cabinet in January. With regard to the comments of the Audit Committee, he informed the meeting that a glossary of terms would be provided in the future; the company were progressing an external audit function and that he and the Cabinet Member for Finance would continue to monitor the work of the company and provide an update to the Cabinet on a regular basis.

Consideration was given to the table at 2.5 within the report and the corrections as explained above also that the 'Actuals' were for the 7 months in the current financial year.

The Chairman indicated that discussion with regard to this item, may require the Committee to pass the following resolution to exclude the press and public having reflected on Article 12 12.02(d) (a presumption in favour of openness) of the Constitution. This decision may be required because consideration of this matter in public may disclose information falling within one of the descriptions of exempt information in Schedule 12A to the Local Government Act 1972. The Committee would need to decide whether, in all the circumstances of the case, the public interest in maintaining the exemption, outweighs the public interest in disclosing the information.

**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)

Having considered the business plan, the Cabinet returned to open session and:

**RESOLVED** that the 3 Rivers Development Ltd Business Plan be endorsed and the inclusion of the associated borrowing requirement of £19.66m shown for 2022/23 in the Council's General Fund, Capital Programme and Treasury Strategy budgets be approved. Also that the total gross funding envelope included for 2023/24 to 2026/27 of £51.95m be **NOTED**

(Proposed by the Chairman)

Notes: \*Report previously circulated.

(The meeting ended at 1.20 pm)

**CHAIRMAN**

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**WORKFORCE MATTERS; STAFF RECOGNITION AND WELLBEING APPRECIATION**

**Cabinet Member:** Cllr Nikki Woollatt, Working Environment and Support Services

**Responsible Officer:** Stephen Walford, Chief Executive

**Reason for Report:** To consider how best to address the current workforce issues and recognise the work done by all staff throughout the pandemic and to show the council's appreciation for their efforts.

**RECOMMENDATION(S):**

- 1. That Cabinet recommends to Council that the efforts of all council staff are publicly recognised.**
- 2. That Cabinet approves the measures set out within this report being taken to address current workforce issues.**

**Relationship to Corporate Plan:** Virtually all corporate plan objectives are reliant upon officers directly or indirectly working on behalf of the council to secure outcomes.

**Financial Implications:** It is estimated that the measures contained in this report will have direct costs of £106k in-year that can be managed within existing budgets and indirect costs next year of circa £60k. It is anticipated that much of these costs can be effectively offset against abortive costs elsewhere (see report text). In addition, the expansion of the apprenticeship scheme will increase costs in this area, but the organisation has flexibility to increase or decrease apprenticeship intake on a yearly basis as required. However, ultimately this is a matter of judgment on costs balanced against value. The council's record of recruiting quality apprentices into permanent roles suggests that this is an effective way to build a strong pipeline of talent; maximising development opportunities for (typically) local people and building skills and expertise that creates value for the council.

**Legal Implications:** None

**Risk Assessment:** It is considered that taking action as outlined in this report is helping to mitigate risk to the organisation – particularly staffing, recruitment and retention risks where a chronic regional shortage of available workforce is placing pressure on existing services to the point where services may need to be scaled back to accord with the ability to provide these in a safe way.

**Equality Impact Assessment:** All reward measures proposed will apply to all staff, and the proposal of a flat payment means that those at the lower end of the payscale benefit significantly more in proportional terms. The recent significant increase to the council's apprenticeship pay rate should help attract a broader range of applicants and this report outlines the intent to expand the apprenticeship schemes run by the council. We will proactively liaise with both education providers and local DWP contacts to encourage applications from those who might not have previously considered the council as an employer (or as a career option). This is part of our efforts to increase recruitment diversity and will strengthen our organisational links with the communities we serve.

**Climate / Carbon Impact Assessment:** Minimal – providing an extra day's leave potentially reduces commuting impact slightly. However, in the context of the organisation's corporate emissions the changes arising from this report are negligible.

## 1.0 Introduction

- 1.1 Cabinet and scrutiny committees receive a regular workforce update outlining matters such as sickness levels, turnover and vacancy rate. Over the last 18 months scrutiny has chosen to review this every 6 months due to the impact the pandemic is having on workforce.
- 1.2 These reports have told a story of exceptional resilience during the pandemic and repeated lockdowns and a significantly reduced sickness rate. However, it also describes an increasingly tired and drained workforce, with 90% of staff being unable to use their full annual leave allowance in 2020/21 (75% having to carry over more than the typical 3 days). Exceptional provision was made to ensure that this could be carried forward without staff 'losing' their leave, however the demand on officers is showing little sign of abating. In fact, with increasing employee turnover, one of the tightest labour markets in the country and overt competition for skills in many areas, the pressure is starting to impact on service delivery and provision. In many ways we are experiencing significantly greater challenges now than earlier in the pandemic cycle.
- 1.3 The issue of being and feeling valued is also of critical importance. The last staff survey prior to the pandemic showed individual employee job satisfaction and satisfaction with the employer were both at 3-year highs. The most recent staff survey, completed in October 2021, has shown a dramatic change. From satisfaction being very high at 90%, the level of positive engagement is now around 70% (people feeling 'valued' at 58%). And while this was to be expected, the scale of the change is significant.
- 1.4 Added to this is the very real sense of a change in perception over the last year; from the highs of being seen as 'public service heroes' who kept key services going through the lockdowns of the pandemic, to a far more 'normal' level of appreciation (customer complaints are back at pre-pandemic levels for example). While, perhaps, this was to be expected (and our swifter-than-anticipated economic recovery is certainly to be welcomed), it nevertheless manifests as a fall in esteem at a sectoral and institutional level and invariably is felt personally by many individuals for whom the adrenaline and adulation of the pandemic period has faded, but the demands and expectations have remained or increased.
- 1.5 Much of this is of course outside of the council's direct control. Members will be aware of the national challenges on worker shortages and the similar drift from appreciation to criticism in other parts of the public sector; the valuing of our public services starts in the narrative from government and in wider public discourse. And yet, this change is now our challenge; as an organisation, as a council, as a provider of services to and for our communities.
- 1.6 The remainder of this report focuses on the practical steps being taken, or recommended, to help reassure and stabilise a pressured workforce in the short term while building resilience in the medium term.

## 2.0 Valuing the Workforce - Appreciation

- 2.1 It is vitally important that staff feel valued and appreciated. Feeling appreciated and valued goes to the heart of general wellbeing, satisfaction and morale of the workforce, and a strong statement of appreciation from elected members as community leaders is an important message to convey to all staff. Therefore it is recommended that cabinet recommend to council a suitable statement of appreciation recognising the extraordinary efforts and lengths that staff have gone to over the past 20 months.
- 2.2 While a public statement and recognition is both meaningful and valued, it is important to recognise that the build-up of pressure can lead to stress and damaging outcomes at an individual level and for the organisation as a whole. A number of councils across the country have made decisions to give an additional days' leave to staff as a way of saying thank you and it is recommended that staff are allocated an additional 'wellbeing' day to their leave allowances for the coming year to prioritise their own physical and mental health and wellbeing. This would be an indirect cost of around £60k.

### 3.0 **Valuing the Workforce - Retention**

- 3.1 Retention of the skilled workforce is the first tool in the toolbox to address vacancy and turnover issues. The level of employee turnover is increasing and there is currently a very competitive labour market in this part of the country. This is increasing the risk of service impact due to insufficient staff resources. While there is little that can be done to address the fact that national (local gov sector) pay award discussions remain outstanding, there is a need to take proactive measures to recognise and reward employees not just for their efforts throughout the pandemic but also for their loyalty throughout this challenging period. We cannot compete with the private sector on pay or inducements, and there is an expectation that some of these wider pressures may be time-limited linked to seasonality, but the balance of structural (employee) pay and agency costs within the organisation is shifting to the point where costs incurred on retention measures are likely to be better value than having to pay emergency contract rates across a range of service areas.
- 3.2 In recognition of the outstanding work done over the last 20 months it is recommended that all staff receive a one-off, non-pensionable, award of £250 per full-time equivalent (fte) in January's pay. This will be a flat rate amount which will mean that it is worth proportionately more to those at the lower end of the pay range, and it will be paid to all employees on the payroll at 1<sup>st</sup> January 2022 irrespective of any other factors.
- 3.3 The cost of this provision, based on the headcount of approximately 425 fte, will be circa £106k. To put this cost in context, our agency spend has recently exceeded this in a single month and our baseline staffing budget is underspending by considerably more than this proposed amount due to the inability to recruit and retain quality employees. Not only is it likely to be appreciated by employees as a valuable reward acknowledging their contribution, it is also likely to be better value for the organisation (and hence taxpayers) if we can lower turnover and vacancy rates even a small amount.
- 3.4 The above proposal builds on our significant investment in people development that continued throughout the pandemic. Not only did we maintain our emphasis

on training and development wherever possible, a number of staff managed to successfully complete courses or training, allowing them to continue their own professional development or, in the case of a number of our apprentices, secure permanent roles with the organisation. Our record of developing and promoting internal talent has served us well, and we will continue to champion the opportunities to learn and develop within the organisation.

#### **4.0 Valuing the Workforce - Recruitment**

- 4.1 As mentioned earlier in this report, we cannot compete with the introductory bonuses or other inducements offered by the private sector. This becomes all the more evident during times of economic stress when market forces dictate a price increase triggered by scarcity. However, local government has a greater appeal as an employer willing to invest in and develop people over the longer-term in a more secure (and often more local) setting.
- 4.2 One of the features of the pandemic has been the fact that while training programmes and our apprenticeship schemes continued, when these intakes reached the end of their cycle they have not been replaced. Managers have been asked to review and reinitiate these schemes wherever possible, and to ensure that working arrangements are suitable to support new inductees and those who will benefit from greater support as part of their professional learning and development. In short, the organisation is committed to significantly expanding our apprenticeship schemes working with local FE providers to ensure that parallel educational provision is available; this will provide more local employment opportunities for local people, as well as helping to build a pipeline of talent for the organisation.
- 4.3 In addition, the headline rate of apprenticeship pay applied by the organisation has historically been at the statutory minimum level. This was proving an increasing hindrance to recruiting apprentices and a decision was made recently to significantly increase this from 1<sup>st</sup> December 2021 to ensure that the rate of pay better reflected local benchmarking as well as being more closely linked to the pay associated with the entry point of the NJC payscales.
- 4.4 A further step taken to address recruitment issues is a revised approach to fixed term appointments where the risk of not attracting people (or losing them before the end of the contract) is now a greater risk than the risk of on-boarding in a permanent capacity when the post may be linked to time-limited funding sources. The nature of a number of government funding pots means annual decisions are made on funding, translating into the creation of a variety of fixed-term roles across the organisation. Considerations will be made on a case by case basis to assess whether a permanent post would be more likely to attract quality candidates – effectively transferring the risk to the employer rather than the employee.
- 4.5 Finally, we will also be conducting a market review of salaries for key posts where recruitment challenges are most acute. This will be carried out with support from SW Councils and will ensure that the organisation has remained competitive when benchmarking with similar posts in other areas.

#### **5.0 Summary**

- 5.1 In summary, it is clear that both the executive and scrutiny branches of the council are interested in, and mindful of, workforce matters as they relate to service delivery as well as the satisfaction and wellbeing of staff. This report sets out the current challenges being faced and includes a range of measures that the organisation, through the Chief Executive as Head of Paid Service, has taken or is taking to address these.
- 5.2 This report also makes specific recommendations for members' consideration where these fall outside the financial threshold delegations to senior officers as per the council's scheme of delegation.

**Contact for more Information:** Stephen Walford, Chief Executive

**Circulation of the Report:** Cabinet Members, Leadership Team

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**PHASE 3 PUBLIC SECTOR DECARBONISATION BID AND DELEGATION OF AUTHORITY**

**Cabinet Member(s):** Cllr Bob Evans, Deputy Leader and Cabinet Member for Housing and Property Services, Cllr Colin Slade Cabinet Member for the Environment and Climate Change

**Responsible Officer:** Andrew Busby, Corporate Manager Property, Leisure and Climate Change

**Reason for Report:** To outline the latest opportunity presented by the Public Sector Decarbonisation Scheme and the Council's ambition to seek substantial funding from Phase 3 of the scheme. The Council was successful in obtaining £348,821 under Phase 2 of the same scheme. Approval is being sought now, subject to a successful bid, to receive and expend circa £3m funding from Salix Finance, a Non-Departmental Public Body (NDPB). This project will undertake low carbon retrofit projects on Exe Valley (Evlc) and Lords Meadow (Lmlc) Leisure Centres. Grant Funding Awards will be announced during January 2022, with a delivery timeframe of 12 months.

**Recommendation:**

**Recommendation to Council that:**

- (i) The Deputy Chief Executive (S151) and the Deputy Leader and Cabinet Member for Housing and Property Services are delegated authority to take all necessary actions to accept the £3,079,032 Public Sector Decarbonisation Scheme (Phase 3) 2021, including any contract variations on the existing Energy Saving Performance Contract and approval of any necessary design changes.**
- (ii) The Deputy Chief Executive (S151) and the Deputy Leader and Cabinet Member for Housing and Property Services are delegated authority to award the necessary contract(s) for the delivery of the works for the Public Sector Decarbonisation Scheme (Phase 3) 2021 up to the value of £3m.**
- (iii) To approve the financial contribution required to meet the conditions of the grant of £276,602 as set out in para 5.5, reducing the grant to £2,802,430.**

**Financial Implications:** These are detailed within the report on Section 5.

**Budget and Policy Framework:** The cost for replacing end of life assets have been identified within the capital and revenue budgets within the 30-year maintenance programme for corporate property. This project is not 100% funded by Salix and a financial contribution from the Council is required that would be discounted at grant source.

Pursuant to section 31(4) of the Local Government Act 2003, the Minister of State determines that the grant will be paid subject to the conditions stated within the Salix agreements.

**Legal Implications:** The decarbonisation project will be carried out in accordance with the terms and conditions of the Grant agreement and its relevant schedules.

The baseline consumption data under the current Energy Saving Performance Contract (ESPC), which expires on 31 March 2025, and the energy baseline figure would formally need to be adjusted and agreed with AESL for both properties.

A procurement exercise would need to be conducted to comply with the Council's policy and legal obligations, specifically in compliance with the Council's Contract Procedure Rules and the Public Contracts Regulations 2015, and supported by relevant officers. All contracts will be reviewed by the Legal Service prior to the engagement of any contractor.

**Risk Assessment:** The risks in relation to the delivering the project within the allocated timeframe. Attached to this report as Annex B & C includes supporting documentation on the risks associated with this project and that Property Services would work through to address.

**Equality Impact Assessment:** This report does not specifically highlight any equality implications, however Officers will continue to comply with the public sector equality duty as set out in Section 149 of the Equality Act 2010.

**Relationship to Corporate Plan:** Environment, to encourage retrofitting of measures to reduce energy use in buildings.

**Impact on Climate Change:** The projects will deliver significant savings on carbon emissions. Successful delivery of the project not only signals the Council's commitment to its climate emergency declaration in action, this will also demonstrate to Salix and central government that the Council can continue to deliver projects to reduce carbon emissions within the District. The recommendations of the report are environmentally positive and will reduce the Council's carbon footprint by circa 572 carbon tonnes per annum.

## **1.0 Introduction**

- 1.1 As part of the Summer Fiscal stimulus of 2020, Government announced an initial £1bn funding for the Public Sector Decarbonisation Scheme (PSDS). This funding was released as 100% grants, via Salix Finance, between October 2020 and January 2021. The Council was successful in obtaining £348,821, during Phase 2 of the scheme. Phase 3 has now been released for applications on the basis that a formal funding allocation will be announced in early 2022.
- 1.2 The PSDS fund aims to halve carbon emissions from the Public Estate by 2032, through the deployment of energy efficiency and heating measures, excluding gas powered boilers, Combined Heat, and Power. All buildings, where the end beneficiary is confirmed as being a public body, are eligible for

this scheme including Local Authority estate, including Leisure sites (if the savings can be recouped by the LA). Social housing is excluded from this scheme and will be addressed under a separate funding scheme.

- 1.3 The Phase 3 funding window opened on 6 October 2021 and closed again on 6 November 2021. This funding phase is very focused on energy used to produce heat and no longer provides 100% grant funding, requiring match equivalent to the replacement costs of a proposed 'like for like' heating systems.
- 1.4 A further financial contribution for works at Evlc of £100k is also required to meet the criteria of the scheme that considers the amount of carbon reduction versus expenditure. Within the 20/21, Capital programme there is £30k identified for control works to the existing boilers at Evlc and this expenditure would not be required, should the Council be successful and therefore reducing this element of the contribution to £70k.
- 1.5 The boilers at Phoenix House and Culm Valley Sports Centre are not end of life and were replaced during the last 6-7 years; therefore, these buildings were not eligible for Phase 3. The boilers at Evlc are the original boilers installed during 2003 and the boilers at Lmlc were installed as part of the swimming pool extension during 1996. There are two boilers at each site that are well maintained and do not have operational problems.

The woodchip Biomass boiler at Lmlc was installed during 2012, is currently planned to remain as part of the equipment to heat the hot water, and is part of the Renewable Heating Initiative scheme (RHI), where payments are received by Ofgem for generating heat under the ESPC. Upon that contract ending on 31<sup>st</sup> March 2025, those RHI payments of circa £20-25k per annum will be made to the Council rather than to the Energy Performance Contractor for a further 9-10 years.

- 1.6 Applicants have the option to apply for funding to complete projects over either 1 year or 3-year delivery periods. However, 85% of any awarded funding from BEIS to Salix will focus on delivery over the first 12 months of the programme.
- 1.7 The application process required completion of a Salix compliance toolkit, in-line with the current Salix Finance application routes, for each building. To complete the toolkit calculations, Officers/Contractors utilised knowledge gained from Phase 2 delivery, alongside whole building assessments and our Heat Decarbonisation Plan that was funded via Phase 2 of the scheme at £18k.
- 1.8 There will be service disruption to complete the change over from gas to electricity, the closure of both sites will be completed out of hours where possible and advertised well in advance with regular communication with the Centres, Members and the Public.
- 1.9 Both Evlc and Lmlc are included within the existing ESPC the Council has with AESSL, which is in year 9 and expires on 31 March 2025. The energy

baseline consumption data under the current contract for both properties would formally need to be adjusted and agreed with AESL.

## **2.0 Project Scope**

- 2.1 The submitted bid was for heat decarbonisation works at two of our leisure centres at Exe Valley in Tiverton and Lords Meadow in Crediton. The bid for works at both sites consists of the introduction of large commercial heat pumps to be able to come off gas completely and onto a renewable energy source (electricity). The work also includes the installation of external low energy lighting, LED (light emitting diode) lighting, where this is not being installed as part of the Phase 2 work and an increased Solar PV provision and utilising carport framework within our car parks to house additional solar panels.
- 2.2 Should the Council be successful with their bid, the method of procurement will be considered in detail with the Council's experienced Employer's Agent
- 2.3 The delivery timetable means that decision-making is crucial to the project running to time. Cabinet are being asked to delegate authority to take all necessary actions to deliver the projects, including any contract variations.
- 2.4 The timeframe for delivery is 12 months.

## **3.0 Impact on Carbon Footprint**

- 3.1 This project would reduce our carbon footprint by 572 tonnes per annum. The external oversight of Salix adds an independent audit that the project is cost effective in terms of both carbon emissions and expenditure, that is based on £325 for each carbon tonne saved over the life of the assets.
- 3.2 The funding will allow energy efficiency measures, including the installation of large air source heat pump for removing gas consumption, external LED lighting and additional solar PV panels located on carports within the car parks.

## **4.0 Procurement**

- 4.1 The project work items for consultancy and the project support will be procured via the appropriate framework or a full tender process.
- 4.2 Once the relevant design work has been completed and an Invitation to Tender (ITT) produced, it will ask questions under a number of headings that will have either a pass/fail or a weighted score and sent to the interested contractors. The weighting for the evaluation process will be split 40% on cost and 60% on quality.
- 4.3 Levels of insurance will also required and contractors needed to confirm their ability to provide such levels of insurances.

- 4.4 The evaluation of returned submissions will be undertaken by the Corporate Projects Officer and an independent Employers Agent. The scores from the evaluators will then be averaged and reported to the delegated authority.

## **5.0 Financial Analysis- Annex A**

- 5.1 Phase 3 does not provide 100% of the funding required to complete the works and requires the match equivalent for the replacement costs of a proposed 'like for like' heating systems. A financial contribution is also required for the works at EVLC of £100k to meet the criteria of the scheme. Within the 20/21 Capital programme there is a £30k project for works to the existing boilers at Evlc that would not be required should the Council be successful with the Phase 3 bid and therefore reducing this element of the contribution to £70k within the current financial year. The financial contribution is made at grant source that is based on the estimated cost for delivering the works.
- 5.2 Referring to Annex A, a provision of £2.25m for this carbon reduction work has been identified over the next five years with the Capital Medium Term Financial Plan, should the Council be successful with the bid, this grant would negate the requirement for that expenditure. This includes the project referred to in para 5.1.
- 5.3 Other relevant budget provisions taken from the 30-year corporate revenue maintenance forecast, for expenditure within the next five years for replacing end of life assets will save circa £209k.
- 5.4 The costs for these projects were to be funded from prudential borrowing and therefore reliant on the production of business cases demonstrating the affordability of the projects and a suitable return. There is a total of £2.45m saving on future carbon reduction projects, identified on the Capital Medium Term Financial Plan.
- 5.5 A summary of the Council contributions are shown below:
- The estimated cost of what it would be to replace the boilers at Evlc: £101,452
  - The estimated cost of what it would be to replace the boilers at Lmlc: £75,150
  - A financial contribution towards the Evlc project, at £100k
- Total £276,602
- 5.6 The Net benefit of accepting the total grant value of £3,079,032 will be £2,802,430 once the above contributions have been accounted for. These figures exclude the forecast savings set out on Annex A. There will be service disruption to completing such a major change the infrastructure and therefore closures at both centres will be necessary at times during the project, this will be kept to a minimum and will be well communicated with all users of the buildings. It is estimated that the loss of revenue would be circa £22k for both leisure centres.
- 5.7 The design process would be investigated further following the Council

being awarded the funding, including the revised annual running cost for electricity at each property and the cost of woodchip for the Biomass boiler at Lmlc.

## **6.0 Opportunities/risks**

### **6.1 The key opportunities include:**

- The timescale for delivery of the commission, if the bid is successful, is short however, we believe the local supply chain has capacity to deliver based on lessons learnt from PSDS Phase 2
- Utilisation of existing OJEU procured frameworks to support mobilisation
- Opportunity to support and integrate local apprenticeships and employment initiatives
- The use of recent building data compiled over the last 12 months to identify project portfolios, including our Heat Decarbonisation Plan
- BEIS/Salix are likely to favour programmes that have shown a track record of impact and delivery at scale.
- For two of our leisure centre buildings to become Net Zero – we plan to have 100% of our electricity supplied via a renewable energy and there will be no gas consumption on either site post the works

### **6.2 The key risks that have also been received by an independent party (Annex B & C), which is required by Salix, include items below and Property Services have complete their own risk analysis, that include:**

- Failure for Phase 3 to secure any significant funding as part of the Spending Review
- Funding allocation is so minimal the Phase 3 application process and competition become heavily oversubscribed
- Having sufficient capacity to manage and support deliverability of the scheme
- Increased running costs of electricity
- The Electricity District Network Operator (DNO) does not have the capacity on their network to support the works
- Failure to secure contractor(s) to complete the work
- Existing Biomass boiler at Lmlc interfacing with the new air source heat pumps and continues to provide enough heat for the RHI
- Implications on the existing ESPC

- Unable to secure planning permission for the car ports required to house the solar PV panels
- Works to make the change from Gas to Electricity result in closure during business hours longer than anticipated

## 7.0 Conclusion and Recommendations

- 7.1 To secure the funding opportunity for circa £3m of PSDS funding from Salix and subject to a successful bid, approve the receipt and agree defrayment of these funds via the delegated authority.
- 7.2 The equalities impact from this proposal will be managed utilising delivery companies with robust equality policies. The environmental outcome is to substantially reduce the carbon emissions from two Council buildings.
- 7.3 The decarbonisation projects will assist the Council with their aim to be Net Zero by 2030 by reducing our carbon footprint by up to 572 tonnes of carbon per annum. This project would result in two Council Buildings coming off gas. The Council are also planning to source their electricity from a renewable source the two leisure centre buildings will therefore become Net Zero.
- 7.4 The decarbonisation project will reduce the cost pressure on our capital and revenue budgets, for replacing end of life assets by £2.45 m over the next five years.

**Contact for more Information:** Andrew Busby Corporate Manager for Property, Leisure & Climate Change – [abusby@middevon.gov.uk](mailto:abusby@middevon.gov.uk) (01884 234948).

**Circulation of the Report:** Deputy Leader and Cabinet Member for Housing and Property Services, Cabinet Member for the Environment and Climate Change and Leadership Team.

### List of Background Papers:

Environment PDG 6 August 2019 – Update on Climate Emergency Declaration  
[https://democracy.middevon.gov.uk/documents/s14878/20190424-Climate\\_Change\\_Updatev2%20AB.pdf](https://democracy.middevon.gov.uk/documents/s14878/20190424-Climate_Change_Updatev2%20AB.pdf)

Cabinet 19 December 2019 – Carbon Base-Line reporting (information on ESPC)  
<https://democracy.middevon.gov.uk/documents/g1108/Public%20reports%20pack%2019th-Dec-2019%2018.00%20Cabinet.pdf?T=10>

Cabinet 4 March 2021 –Options for Procurement of Energy  
<https://democracy.middevon.gov.uk/documents/s21285/Cabinet%20-%20Options%20for%20Procurement%20of%20Energy%20040321%20v2.pdf>

Cabinet 6 July 2021 –Contract Award for Decarbonisation Project (Phase 2)  
<https://democracy.middevon.gov.uk/documents/s22162/Cabinet%20-Decarbonisation%20Contract%20Award%20060721%20v3.pdf>

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**Evlc/Lmlc - Electricity, Gas and Woodchip costs**
**Annex A**

|              | 19/20 Actuals       |                    |                   | 22/23 Proposed budget |            |                    |
|--------------|---------------------|--------------------|-------------------|-----------------------|------------|--------------------|
|              | Elec                | Gas                | Woodchip          | Elec                  |            | Gas                |
| EVLC         | £ 109,548.53        | £ 52,625.81        |                   | £ 86,320.00           |            | £ 50,000.00        |
| LMLC         | £ 55,533.81         | £ 21,502.76        | £9,500            | £ 54,270.00           |            | £ 20,140.00        |
| <b>Total</b> | <b>£ 165,082.34</b> | <b>£ 74,128.57</b> | <b>£ 9,500.00</b> | <b>£ 140,590.00</b>   | <b>£ -</b> | <b>£ 70,140.00</b> |

**Five Year -forecast saving on end of life assets -revenue maintenance**

| Leisure Centre Project                     | 21/22      | 22/23      | 23/24            | 24/25           | 25/26           | 26/27      | Totals           |
|--------------------------------------------|------------|------------|------------------|-----------------|-----------------|------------|------------------|
| EVLC - External Lighting ATP, Tennis court |            | £ -        | £ 40,000         | £ 40,000        | £ -             | £ -        | £ 80,000         |
| LMLC - ATP Lighting                        |            | £ -        | £ 85,000         | £ -             | £ -             | £ -        | £ 85,000         |
| LMLC - Tennis Court Lighting               | £ -        | £ -        | £ -              | £ -             | £ 44,000        | £ -        | £ 44,000         |
| <b>Totals</b>                              | <b>£ -</b> | <b>£ -</b> | <b>£ 125,000</b> | <b>£ 40,000</b> | <b>£ 44,000</b> | <b>£ -</b> | <b>£ 209,000</b> |

**Five year -forecast savings - Capital Medium Term Financial Plan**

| Leisure Centre Project                      | 21/22           | 22/23      | 23/24            | 24/25      | 25/26            | 26/27            | Totals             |
|---------------------------------------------|-----------------|------------|------------------|------------|------------------|------------------|--------------------|
| EVLC - Boiler & CHP                         | £ 30,000        | £ -        | £ -              | £ -        | £ -              | £ 80,000         | £ 110,000          |
| EVLC - Air Source Heat Pumps                | £ -             | £ -        | £ -              | £ -        | £ 420,000        | £ -              | £ 420,000          |
| EVLC - Solar Car Park Cover                 | £ -             | £ -        | £ -              | £ -        | £ -              | £ 390,000        | £ 390,000          |
| EVLC - Ground Source Heat Pumps             | £ -             | £ -        | £ -              | £ -        | £ -              | £ 520,000        | £ 520,000          |
| LMLC - Solar Car Park Cover                 | £ -             | £ -        | £ 640,000        | £ -        | £ -              | £ -              | £ 640,000          |
| LMLC - Ground Source Heat Pump (whole site) | £ -             | £ -        | £ -              | £ -        | £ 170,000        | £ -              | £ 170,000          |
| <b>Totals</b>                               | <b>£ 30,000</b> | <b>£ -</b> | <b>£ 640,000</b> | <b>£ -</b> | <b>£ 590,000</b> | <b>£ 990,000</b> | <b>£ 2,250,000</b> |

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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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**Treasury Management Strategy Mid-Year Review Report 2021/22**

**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 2021/22, to agree the ongoing deposit strategy for the remainder of 2021/22 and a review of compliance with Treasury and Prudential Limits for 2021/22.

**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, Operational 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 on treasury performance. This report will not only update Members on the treasury performance over the first six months of 2021/22, but will also seek approval for the ongoing deposit strategy.

## 2.0 Treasury Performance 01/04/2021 to 30/09/2021

- 2.1 The table below shows the Council's overall treasury management position for the first six months of 2021/22.

| Treasury Position                                                         | Average Interest | Total Interest as at 30/09/2021 | Forecast Year-End Position |
|---------------------------------------------------------------------------|------------------|---------------------------------|----------------------------|
| Temporary Investments and Deposits                                        | 0.15%            | £19k                            | £40k                       |
| CCLA Dividends                                                            | 3.64%            | £91k                            | £180k                      |
| Commercial Activities / Non-Financial Investments (all currently 3Rivers) | 4.97%            | £258k                           | £536k                      |
| <b>Total</b>                                                              |                  | <b>£368k</b>                    | <b>£751k</b>               |

- 2.2 The General Fund 2021/22 budget for all investment activity is £633k and for the Housing Revenue Account is £10k.

## 3.0 Commentary from our Treasury Advisors (Link Group)

- 3.1 The coronavirus outbreak has done huge economic damage to the UK and to economies around the world. After the Bank of England took emergency action in March 2020 to cut Bank Rate to 0.10%, it left Bank Rate unchanged at its subsequent meetings. This has seen interest rates offered by banks and building societies remain low, resulting in returns on temporary investments far below that achieved in recent years. It is expected that the Bank of England will start tightening monetary policy soon to combat growing inflationary pressures, possibly by Quarter 4 of 2021/22, and this is already leading to small increases in interest rates offered by banks.
- 3.2 At its latest meeting on 24 September, the Monetary Policy Committee (MPC) voted unanimously to leave Bank Rate unchanged at 0.10% and made no changes to its programme of quantitative easing purchases, due to finish by the end of this year at a total of £895bn. Two MPC members voted to stop the last £35bn of purchases as they were concerned that this would add to inflationary pressures.
- 3.3 There was a major shift in the tone of the MPC's minutes at this meeting from the previous meeting in August, indicating that some tightening in monetary policy was now on the horizon. In his press conference after the August MPC meeting, Governor Andrew Bailey suggested that labour shortages could push up wage growth by more than it expects and that, as a result, CPI inflation would stay above the 2% target for longer. It also discounted sharp increases in monthly inflation figures expected in late 2021, which were largely propelled by events a year ago, such as the cut in VAT in August 2020 for the hospitality industry, and by temporary shortages that would eventually work their way out of the system. In other words, the MPC had been prepared to look through a temporary spike in inflation.



- 3.4 In August the country was just put on alert. However, this time the MPC indicated there had been a marked rise in concern that more recent price increases, particularly in gas and electricity prices in October and due again next April, are indeed likely to lead to faster and higher inflation expectations, and underlying wage growth. This would in turn increase the risk that price pressures would prove more persistent next year than previously expected. The MPC reaffirmed its commitment to the 2% inflation target in its statement, which suggested that it was now willing to look through the flagging economic recovery during the summer to prioritise bringing inflation down next year. Its primary concern now appears to be that underlying price pressures in the economy are likely to be embedded over the next year, elevating future inflation to stay significantly above its 2% target and for longer.
- 3.5 Financial markets are now pricing in a first increase in Bank Rate from 0.10% to 0.25% in February 2022, but this looks ambitious as the MPC has stated that it wants to see what happens to the economy, and particularly to employment once furlough ends at the end of September. At the MPC's meeting in February, it will only have available the employment figures for November; to get a clearer picture of employment trends, it would need to wait until the May meeting when it would have data up until February. At its May meeting, it will also have a clearer understanding of the likely peak of inflation.
- 3.6 The MPC's forward guidance on its intended monetary policy on raising Bank Rate versus selling holdings of bonds (quantitative easing) is as follows: -
- Placing the focus on raising Bank Rate as "the active instrument in most circumstances".
  - Raising Bank Rate to 0.50% before starting on reducing its holdings.
  - Once Bank Rate is at 0.50%, it would stop reinvesting maturing gilts.
  - Once Bank Rate had risen to at least 1%, it would start selling its holdings.
- 3.7 COVID-19 vaccines have been the game changer that has enormously boosted confidence that life in the UK could largely return to normal during the summer after a third wave of the virus threatened to overwhelm hospitals in the spring. With the household saving rate having been exceptionally high since the first lockdown in March 2020, there is plenty of pent-up demand and purchasing power stored up for services in hard hit sectors like restaurants, travel and hotels. The big question is whether mutations of the virus could develop which render current vaccines ineffective, as opposed to how quickly vaccines can be modified to deal with them and enhanced testing programmes be implemented to contain their spread.
- 3.8 The pandemic and extreme weather events have been highly disruptive of extended worldwide supply chains. At the current time, there are major queues of ships unable to unload their goods at ports in New York, California and China. Such issues have led to misdistribution of shipping containers around the world and have contributed to a huge increase in the cost of shipping. Combined with a shortage of semi-conductors, these issues have had a disruptive impact on production in many countries. Many western countries are also having difficulty in filling job vacancies. It is expected that these issues will be resolved gradually, but they are currently contributing to a spike upwards in inflation and shortages of materials and goods on shelves.

3.9 The Council's treasury advisor, Link Group, provided the following forecasts on 29 September 2021 (PWLB rates are certainty rates, gilt yields plus 80bps):

| Link Group Interest Rate View |        | 29.9.21 |        |        |        |        |        |        |        |        |
|-------------------------------|--------|---------|--------|--------|--------|--------|--------|--------|--------|--------|
|                               | Dec-21 | Mar-22  | Jun-22 | Sep-22 | Dec-22 | Mar-23 | Jun-23 | Sep-23 | Dec-23 | Mar-24 |
| BANK RATE                     | 0.10   | 0.10    | 0.25   | 0.25   | 0.25   | 0.25   | 0.50   | 0.50   | 0.50   | 0.75   |
| 3 month ave earnings          | 0.10   | 0.10    | 0.20   | 0.20   | 0.30   | 0.40   | 0.50   | 0.50   | 0.60   | 0.70   |
| 6 month ave earnings          | 0.20   | 0.20    | 0.30   | 0.30   | 0.40   | 0.50   | 0.60   | 0.60   | 0.70   | 0.80   |
| 12 month ave earnings         | 0.30   | 0.40    | 0.50   | 0.50   | 0.50   | 0.60   | 0.70   | 0.80   | 0.90   | 1.00   |
| 5 yr PWLB                     | 1.40   | 1.40    | 1.50   | 1.50   | 1.60   | 1.60   | 1.60   | 1.70   | 1.70   | 1.70   |
| 10 yr PWLB                    | 1.80   | 1.80    | 1.90   | 1.90   | 2.00   | 2.00   | 2.00   | 2.10   | 2.10   | 2.10   |
| 25 yr PWLB                    | 2.20   | 2.20    | 2.30   | 2.30   | 2.40   | 2.40   | 2.40   | 2.50   | 2.50   | 2.60   |
| 50 yr PWLB                    | 2.00   | 2.00    | 2.10   | 2.20   | 2.20   | 2.20   | 2.20   | 2.30   | 2.30   | 2.40   |

3.10 Bank Rate is not expected to increase quickly after the initial rate rise as the supply potential of the economy has not generally taken a major hit during the pandemic. It should therefore be able to cope well with meeting demand without causing inflation to remain elevated in the medium-term, following an initial surge to around 4% towards the end of 2021. Three increases to Bank Rate are forecast in the period to March 2024, ending at 0.75%.

3.11 As the interest forecast table for PWLB certainty rates above shows, there is likely to be a steady rise over the forecast period, with some degree of uplift due to rising treasury yields in the US. There is likely to be exceptional volatility and unpredictability in respect of gilt yields and PWLB rates due to the following factors:

- How strongly will changes in gilt yields be correlated to changes in US treasury yields?
- Will the Fed take action to counter increasing treasury yields if they rise beyond a yet unspecified level?
- Would the MPC act to counter increasing gilt yields if they rise beyond a yet unspecified level?
- How strong will inflationary pressures turn out to be in both the US and the UK and so impact treasury and gilt yields?
- How will central banks implement their new average or sustainable level inflation monetary policies?
- How well will central banks manage the withdrawal of QE purchases of their national bonds without causing a panic reaction in financial markets?

3.12 Since the start of 2021, there has been a lot of volatility in gilt yields, and hence PWLB rates. During the first part of the year, US President Biden's determination to push through a \$1.9trn (equivalent to 8.8% of GDP) fiscal boost for the US economy as a recovery package from the Covid-19 pandemic unsettled financial markets. However, this was in addition to the \$900bn support package already passed in December 2020 under President Trump. This was then followed by additional Democratic ambition to spend further huge sums on infrastructure and an American families plan.

- 3.13 These factors could cause an excess of demand in the economy which could then unleash stronger and more sustained inflationary pressures in the US than in other western countries. This could then force the Fed to take much earlier action to start tapering monthly QE purchases and/or increasing the Fed rate from near zero, despite their stated policy being to target average inflation. Weak growth in August (announced 03/09/2021) has spiked anticipation that tapering of monthly QE purchases could start by the end of 2021. These purchases are currently acting as downward pressure on treasury yields. As the US financial markets are, by far, the biggest financial markets in the world, any trend upwards in the US will invariably impact and influence financial markets in other countries. As an average since 2011, there has been a 75% correlation between movements in 10-year treasury yields and 10-year gilt yields. However, gilt yields and treasury yields do not always move in unison.
- 3.14 One of the key results of the pandemic has been a fundamental rethinking and shift in monetary policy by major central banks like the Fed, the Bank of England and the ECB, to tolerate a higher level of inflation than in the previous two decades when inflation was the prime concern. There is now also a greater emphasis on other targets for monetary policy than just inflation, especially on ‘achieving broad and inclusive “maximum” employment in its entirety’ in the US before consideration would be given to increasing rates.
- 3.15 The Bank of England has also amended its target for monetary policy so that inflation should be ‘sustainably over 2%’ and the ECB now has a similar policy. For local authorities, this means that investment interest rates and very short term PWLB rates will not be rising as quickly or as high as in previous decades when the economy recovers from a downturn and the recovery eventually runs out of spare capacity to fuel continuing expansion.

#### **4.0 Investment Portfolio**

- 4.1 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 low Bank Rate, it is not possible to earn the levels of interest commonly seen in previous decades as investment rates up to 12 months have barely been above zero, with the DMO and some banks even offering negative rates at times for short-dated maturities. Given the expectation that Bank Rate will see several small increases during the current forecast horizon of 31 March 2023, there have been slight increases recently to rates offered by banks and building societies. These rates are still far below the levels seen prior to the pandemic and so investment returns are expected to remain low.
- 4.2 The Council’s investment portfolio as at 30 September 2021 was made up of short term investments/deposits to the value of £33.93m, comprising of £28.50m in fixed term investments and £5.43m in NatWest call accounts. In addition to this, the Council also holds £5.00m in the CCLA commercial property fund.
- 4.3 Short term investments/deposits held as at 30 September 2021 are as follows:

| Institution                      | Principal (£) | Rate   | Start Date | Maturity Date |
|----------------------------------|---------------|--------|------------|---------------|
| Staffordshire Moorlands DC       | 1,000,000     | 0.22%  | 16/10/2020 | 15/10/2021    |
| Surrey Heath Borough Council     | 2,000,000     | 0.05%  | 10/06/2021 | 10/12/2021    |
| Ashford Borough Council          | 2,000,000     | 0.08%  | 25/02/2021 | 25/11/2021    |
| Thurrock Council                 | 2,000,000     | 0.40%  | 26/04/2021 | 25/04/2022    |
| NBK International PLC            | 1,500,000     | 0.23%  | 27/07/2021 | 27/07/2022    |
| Goldman Sachs International Bank | 3,000,000     | 0.17%  | 02/08/2021 | 01/02/2022    |
| Goldman Sachs International Bank | 2,000,000     | 0.185% | 04/08/2021 | 04/02/2022    |
| NBK International PLC            | 2,000,000     | 0.12%  | 04/08/2021 | 04/02/2022    |
| NBK International PLC            | 1,500,000     | 0.06%  | 16/08/2021 | 20/10/2021    |
| Coventry Building Society        | 1,000,000     | 0.02%  | 01/09/2021 | 24/11/2021    |
| Skipton Building Society         | 5,000,000     | 0.02%  | 01/09/2021 | 20/10/2021    |
| Santander UK PLC                 | 2,000,000     | 0.08%  | 14/09/2021 | 14/03/2022    |
| Coventry Building Society        | 1,500,000     | 0.02%  | 15/09/2021 | 24/11/2021    |
| Santander UK PLC                 | 2,000,000     | 0.08%  | 23/09/2021 | 22/03/2022    |

- 4.4 The Council received an average return of 0.15% on investments during the first six months of 2021/22, down from 0.42% at the same point in the previous year. Returns during the early part of 2021/22 were bolstered by maturing investments made prior to the drop in interest rates in March 2020, and so this rate isn't representative of the interest rates on offer during that time. In contrast to this, the 0.15% achieved so far in 2021/22 fully reflects the low rates on offer following the drop in Bank Rate to 0.1% in March 2020 and a drop off in demand in the local authority market. Performance is expected to improve slightly in the second half of 2021/22 if recent increases to interest rates continue.
- 4.5 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 2021/22, dividends of 3.64% were received, down slightly from 3.67% for the same period in 2020/21. The dividend payout remained consistent from Q1 to Q2, and there has been a small increase in fund value during 2021 after reductions seen in the previous year due to the Covid-19 pandemic.

## 5.0 Borrowing Requirements and Prudential Indicators

- 5.1 The Council has no short-term borrowing but has existing PWLB loans of £36.176m as at 30 September 2021, in addition to £2.436m in finance leases.
- 5.2 The Council's revised capital financing requirement (CFR) for 2021/22 is £63.885m. 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 4.6 shows the Council has forecast borrowings at 31 March 2022 of £37.542m, and so will have utilised £26.343m of cash flow funds in lieu of borrowing to finance the CFR of £63.885m shown in table 4.5.

5.3 There has so far been no new borrowing in 2021/22, and it is expected that there will not be a need for new borrowing before the end of the financial year. This is a reduction in the level of borrowing forecast at the start of the year, which originally stood at £9.13m, and is mainly due to the impact of the pandemic on the deliverable Capital Programme.

5.4 The Treasury Management Strategy Statement (TMSS) for 2021/22 was approved by Cabinet on 24 February 2021. The underlying TMSS approved previously requires revision in light of a revised deliverable Capital Programme for 2021/22. The proposed changes are set out below:

| <b>Prudential Indicator 2021/22</b> | <b>Original<br/>£000</b> | <b>Revised Prudential<br/>Indicator<br/>£000</b> |
|-------------------------------------|--------------------------|--------------------------------------------------|
| Authorised Limit                    | 91,000                   | 74,000                                           |
| Operational Boundary                | 82,000                   | 65,000                                           |
| Capital Financing Requirement       | 80,543                   | 63,885                                           |

5.5 The table below shows a breakdown of the revised CFR.

| <b>Prudential Indicator – Capital Financing Requirement</b> | <b>2021/22<br/>Original<br/>Estimate<br/>£000</b> | <b>2021/22<br/>Revised<br/>Estimate<br/>£000</b> |
|-------------------------------------------------------------|---------------------------------------------------|--------------------------------------------------|
| CFR – Non Housing                                           | 11,874                                            | 9,676                                            |
| CFR – Housing                                               | 43,406                                            | 38,681                                           |
| CFR – Commercial Activities / Non-Financial Investments     | 25,263                                            | 15,528                                           |
| <b>Total CFR</b>                                            | <b>80,543</b>                                     | <b>63,885</b>                                    |
| <b>Net movement in CFR</b>                                  | <b>21,958</b>                                     | <b>7,880</b>                                     |

5.6 The table below shows the expected debt position at 31 March 2022, which determines the Operational Boundary and Authorised Limit shown in 4.4 above.

| <b>Prudential Indicator – External Debt</b> | <b>2021/22<br/>Original<br/>Estimate<br/>£000</b> | <b>2021/22<br/>Revised<br/>Estimate<br/>£000</b> |
|---------------------------------------------|---------------------------------------------------|--------------------------------------------------|
| Borrowing                                   | 46,234                                            | 35,234                                           |
| Other Long Term Liabilities*                | 2,404                                             | 2,308                                            |
| <b>Total Debt (Year End Position)</b>       | <b>48,638</b>                                     | <b>37,542</b>                                    |

\* Includes finance leases

## 6.0 Annual Investment Strategy

6.1 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).



- 6.2 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").

## **7.0 Lending Criteria and Counterparty Limits**

- 7.1 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.
- 7.2 Officers would recommend a continuation of the existing policy for investments with banks and building societies, property funds and money market funds.
- 7.3 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, plus the balance of any Covid-19 grant funds.
- 7.4 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.
- 7.5 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.

## **8.0 Conclusion**

- 8.1 The first half-year performance has been affected by continued low interest rates, however the end of the period has seen some small increases that are expected to continue through the second half of the year. Investment income has been bolstered by the interest received from 3 Rivers Developments Limited being largely unaffected by the reduction in interest rates. The Council's investment in the CCLA property fund saw a slight reduction to quarterly dividends at the start of the pandemic, but have remained stable since and continue to provide a high rate of return in comparison to short term investments.

**For more information contact:**

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**MID DEVON DISTRICT COUNCIL – SCHEDULE OF MEETINGS – 2022/23**

Ratified by Council on .....

| MEETING                                                       | Normal day    | 1       | 2         | 3          | 4       | 5<br>2023   | 6        | Extra if required      |
|---------------------------------------------------------------|---------------|---------|-----------|------------|---------|-------------|----------|------------------------|
| <b>PLANNING COMMITTEE</b><br><i>(first meeting of cycle)</i>  | Wed           | 18 May  | 13 July   | 7 Sept     | 2 Nov   | 4 January   | 1 March  |                        |
| <b>PLANNING COMMITTEE</b><br><i>(second meeting of cycle)</i> | Wed           | 15 June | 10 August | 5 October  | 30 Nov  | 1 February  | 5 April  | 19 April               |
| <b>CABINET</b><br><i>(first meeting of cycle)</i>             | Tues          | 17 May  | 12 July   | 6 Sept     | 1 Nov   | 3 January   | 7 March  |                        |
| <b>CABINET</b><br><i>(second meeting cycle)</i>               | Tues          | 14 June | 9 August  | 4 October  | 29 Nov  | 7 February  | 4 April  |                        |
| <b>ENVIRONMENT PDG</b>                                        | Tues          | 24 May  | 19 July   | 13 Sept    | 8 Nov   | 10 January  | 14 March |                        |
| <b>HOMES PDG</b>                                              | Tues          | 31 May  | 26 July   | 20 Sept    | 15 Nov  | 17 January  | 21 March |                        |
| <b>ECONOMY PDG</b>                                            | Thurs         | 26 May  | 21 July   | 15 Sept    | 10 Nov  | 12 January  | 16 March |                        |
| <b>COMMUNITY PDG</b>                                          | Tues          | 7 June  | 2 August  | 27 Sept    | 22 Nov  | 24 January  | 28 March |                        |
| <b>SCRUTINY COMMITTEE</b><br><i>(first meeting of cycle)</i>  | Monday        | 30 May  | 25 July   | 19 Sept    | 14 Nov  | 16 January  | 20 March |                        |
| <b>SCRUTINY COMMITTEE</b><br><i>(second meeting of cycle)</i> | Monday        | 27 June | 22 August | 17 October | 12 Dec  | 20 February | 17 April |                        |
| <b>AUDIT COMMITTEE</b>                                        | Tues          | 7 June  | 2 August  | 27 Sept    | 22 Nov  | 24 January  | 28 March |                        |
| <b>STANDARDS COMMITTEE</b>                                    | Wed           | 8 June  |           | 12 October |         | 8 February  |          |                        |
| <b>LICENSING COMMITTEE</b>                                    | Friday        | 10 June |           |            | 2 Dec   |             |          |                        |
| <b>REGULATORY COMMITTEE</b>                                   | Friday        | 10 June |           |            | 2 Dec   |             |          |                        |
| <b>Away Days</b>                                              | Fri<br>9.30am |         |           |            | 16 Sept |             |          |                        |
| <b>COUNCIL</b>                                                | Wed<br>6.00pm | 6 July  | 31 August | 26 October | 14 Dec  | 22 February | 26 April | <b>24 May<br/>2023</b> |

Note: (i) Annual Meeting in 2022 is on 11 May  
 (ii) Annual Meeting in 2023 is on 24 May – later than usual because this will be an election year.



## **MID DEVON DISTRICT COUNCIL**

**MINUTES** of a **MEETING** of the **SCRUTINY COMMITTEE** held on 8 November 2021 at 2.15 pm

### **Present**

#### **Councillors**

B G J Warren (Chairman)  
G Barnell, E J Berry, Mrs F J Colthorpe,  
Mrs S Griggs, P J Heal, F W Letch, S Pugh,  
R F Radford and Mrs E J Lloyd

### **Apologies**

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

L J Cruwys and A Wilce

### **Also Present**

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

Mrs C P Daw, R M Deed, R Evans and R L Stanley

### **Also Present**

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

Stephen Walford (Chief Executive), Andrew Jarrett (Deputy Chief Executive (S151)), Richard Marsh (Director of Place), Maria De Leburne (Operations Manager Legal and Monitoring), Jason Berry (Economic Development Project Manager), Nick Sanderson (Managing Director of 3 Rivers Developments Ltd), Clare Robathan (Policy and Research Officer) and Sally Gabriel (Member Services Manager)

### **Also in**

#### **Attendance:**

Nick Sanderson and John Riley (3 Rivers Developments Limited)

## **78 VICE CHAIRMAN FOR THE MEETING (00-03-56)**

In the absence of the Vice Chairman, the Chairman requested that a member of the committee act as Vice Chairman for the meeting.

It was **AGREED** that Cllr P J Heal act as Vice Chairman for the meeting.

## **79 APOLOGIES AND SUBSTITUTE MEMBERS (00-04-12)**

Apologies were received from Cllrs: L J Cruwys and A Wilce.

## **80 DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (00-04-42)**

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

## **81 PUBLIC QUESTION TIME (00-05-00)**

Dr Bratby referring to Item 11 on the agenda stated:

Some of you may be aware that I have been examining the anaerobic digester industry in Devon since the application for the Tiverton Energy Centre was first

proposed in 2009. The paper by Councillor Barnell makes proposals for an inquiry, the third proposal in the paper being to examine the business structure, funding, history and impacts of the Bio Energy Industry in Devon including the history of Planning applications. Hopefully by now you will be aware from the two reports circulated before the meeting that this work has already been done by a group of experts.

I welcome the proposal in Councillor Barnell's report. Firstly, can he say what the ultimate purpose or outcome of the inquiry is likely to be and on what timescale? Apart from making recommendations, will it actually result in any changes being made?

Secondly, a report was produced in August 2018 by a Scrutiny Committee Working Party on the subject of Anaerobic Digestion. It made three recommendations, but to members of the public it appears that nothing has changed since that report was issued and the AD industry has carried on regardless. Do you think that the results of this inquiry will result in a better outcome for the long-suffering public?

Cllr Barnell stated that he would respond during the debate on the item.

The Chairman indicated with regard to the second question that he had read through the 2018 report, whether any proposed inquiry would provide a better outcome, he did not know but it was hoped that any outcome would be something that would make a difference.

The Chairman read a set of questions from Mr Cashmore (speaking as a member of the public) again referring to Item 11 on the agenda:

My name is Roger Cashmore; I am the Vice Chair of Newton St Cyres Parish Council and a member of the Exe Valley Residents Association. I am also one of a growing army of disgruntled residents also scrutinising the working practices of this local Devon AD industry.

I would have loved to speak personally but unfortunately I am under the drill at the dentist.

I am grateful to Cllr Barnell for proposing this subject for consideration and can confirm that, once set up, there are large numbers of highly qualified witnesses, specialist briefing papers, reports and FOIs, etc. that will be made available to the committee.

Local accountants, for example recently confirmed that one local operator is in debt to the tune of over £60million, another recent AD insolvency of over £40million repaid a measly 1.5p in the pound back to the tax payer?. Another interesting fact is the yearly distance associated with just moving feedstock & digestate to a single Devon AD plant, is actually the equivalent of driving a heavily laden diesel HGV twice round the Earth!

This business is neither sustainable nor green. It generates miniscule amounts of some of the most expensive energy in the world. We can and must do so much better

Rather than wait for all the other agencies to wake up and do their job there are a few simple local planning policy changes that this council could support and implement now. Therefore please answer the following simple questions:-

- 1) When is this council actually going to start to rigorously police and enforce its own existing planning conditions? And how do they intend to do it?
- 2) Can you confirm that this council has a robust process capable of confirming to the public that these AD operators are paying the correct levels of business rates?
- 3) Rather than having to submit FOIs, is there any reason preventing this council from insisting AD operators submit monthly production reports, rather than quarterly in arrears?, and then from actually publishing these monthly productions figures on the internet, in order to permit closer public scrutiny?

It will be so easy for scrutiny to conclude we “don’t have the resource” or that it is “all the fault of Westminster”. But I would remind councillors this business has been running in Mid Devon for well over 7 years now, and some members actually voted against their planners’ advice in order to set it all up.

The Chairman indicated that a written response would be provided to Mr Cashmore.

## 82 **MINUTES OF THE PREVIOUS MEETING (00-12-23)**

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

## 83 **DECISIONS OF THE CABINET (00-13-37)**

The Committee **NOTED** that none of the decisions made by the Cabinet on 26 October 2021 had been called in.

## 84 **CHAIRMAN'S ANNOUNCEMENTS (00-13-49)**

The Chairman informed the meeting that:

- The report of the Planning Enforcement Working Group had yet to be considered by the Cabinet – it was hoped that this would be on the agenda for 30 November meeting.
- He intended to bring forward item 11 on the agenda (Bio Energy Industry Proposal Form) to be considered after the Broadband update.

## 85 **BROADBAND UPDATE (00-15-39)**

The Chairman welcomed Keri Denton and Matt Barrow from Devon County Council to the meeting inviting them to provide an update on the rollout of broadband across Mid Devon.

Both officers addressed the meeting and provided a presentation which highlighted the work of the ‘Connecting Devon and Somerset’ team:

- The objectives of the Connecting Devon and Somerset programme which was a local authority led partnership

- The overall funding of the phases of the programme and the funding partners
- 6 new contracts had been let to further the work that had already taken place
- The percentage of properties already reached in Mid Devon and those that were planned
- The percentage of properties (4%) which would be 'very hard to reach'
- Maps highlighting the network clusters that required provision and the steps that needed to be taken before the work could actually take place
- The coverage for Lot E (Palmerson Park area of Tiverton) which had been identified by a question from a councillor with regard to the price of any connection. The meeting was informed that the connection fee would be £99 in line with all providers.
- Willand, Uffculme and Hemyock had also been highlighted – Gigaclear were putting in broadband in parts of those villages but that there were still spots that were not going to receive any broadband provision from this company – the meeting was informed that some companies did cherry pick their locations and that was the reason why CDS were addressing those issues.
- The work of Airband in the Shobrooke and Stockleigh Pomeroy area – it was suggested that rural coverage would be going into those areas
- Wholesale v retail and which companies provided what services
- The very hard to reach properties process was explained some of which maybe the last to be connected
- The recent Government Consultation and the need to encourage more collaboration of the market space
- The additional options available to cover those very hard to reach properties

Discussion took place with regard to:

- Individual very hard to reach properties with Mr Barrow suggesting he take up individual issues with councillors
- The voucher scheme that may be used to help the very hard to reach properties
- Connection costs
- How individual properties that were in the very hard to reach category be supported

The Chairman thanked both officers for their attendance.

## 86 **BIO ENERGY INDUSTRY PROPOSAL FORM (00-50-04)**

The Committee had before it a \*work proposal form on the Bio Energy Industry and were requested to decide whether the item should be added to the work programme.

The Chairman stated that the proposals before the committee were a general overview of issues with regard to the bio energy industry and that no particular applications could be discussed at this time, there was a need to protect members of the Planning Committee whose future decisions with regard to any particular application must not be compromised.

Cllr Barnell outlined the contents of his paper highlighting the issues across the county and that those issues needed to be addressed by an inter authority inquiry led by local authority Scrutiny Committees. The impact of the industry on the local

communities and the planning system needed to be highlighted and addressed. He explained the need for the industry to be regulated and the need to involve other agencies in this work. There was a need for an independent investigation to inform the policies of local planning authorities in Devon.

With regard to the questions asked in public question time, he stated that there were no guarantees but that a coordinated approach was required.

Consideration was given to:

- The lack of coordination nationally, good use of AD infrastructure could help the climate situation and the need for joined up recommendations so that Government could be lobbied effectively
- How the AD position had been discussed for many years and the need to involve other local authorities now

It was **AGREED** that:

1. An inter-authority inquiry into the Bio-Energy Industry in Devon led jointly by local authority Scrutiny Committees be progressed.
2. This inquiry to be jointly commissioned by the Scrutiny Committees of those Devon Planning Authorities that are willing to take part. This work is not something that can be done effectively by a single authority.
3. The Inquiry examine the business structure, funding, history and impacts of the Bio Energy Industry in Devon including the history of Planning applications.
4. The Inquiry examine the adequacy of the national and local framework of regulation and policies and make recommendations for changes to that may be required including:-
  - local and national planning arrangements and policies, including the possibility of joint planning approval and enforcement.
  - regulation of environmental and health impacts
  - highways management policies
  - energy tariff arrangements
5. The work of commissioning and overseeing this Inquiry is led by a committee of elected members chosen from each of the participating authorities.

Further **AGREED** that the initial task would be for the Chairman of the Scrutiny Committee to write to his counterparts from across the county including Devon County Council to seek their involvement in the inquiry.

(Proposed by Cllr G Barnell and seconded by Cllr Mrs E Lloyd)

Notes:

- i) Cllr Mrs F J Colthorpe requested that her vote against the decision be recorded;
- ii) \*Work Proposal Form previously circulated, copy attached to minutes.

## 87 **FORWARD PLAN (1-16-59)**

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

Consideration was given to the various reports within the plan which referred to Cullompton and how they were inter-related. The outcome of the bid to the Housing Infrastructure Fund (HIF) was the first stage and this information would be brought before Cabinet on 30 November. It was **AGREED** that no further action be taken until the outcome of the HIF bid was known.

## 88 **3 RIVERS DEVELOPMENTS LTD BUSINESS PLAN (1-28-51)**

The Committee had before it a \*report with regard to the 3 Rivers Developments Limited Business Plan

The Deputy Chief Executive (S151) outlined the contents of the initial report stating that the report would also be considered by the Audit Committee prior to discussion at Cabinet on 30 November 2021. He highlighted an error on page 31 of the pack with regard to the loans outstanding for 2019/20 and explained the financial transactions highlighted within that table.

The Chairman indicated that discussion with regard to this item, may require the Committee to pass the following resolution to exclude the press and public having reflected on Article 12 12.02(d) (a presumption in favour of openness) of the Constitution. This decision may be required because consideration of this matter in public may disclose information falling within one of the descriptions of exempt information in Schedule 12A to the Local Government Act 1972. The Committee would need to decide whether, in all the circumstances of the case, the public interest in maintaining the exemption, outweighs the public interest in disclosing the information.

**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)

Having considered the business plan, the Committee returned to open session and made the following recommendation to Cabinet advising it that:

Members had raised questions with regard to the availability of certain sites for development, the need for the report on the possible creation of a Teckal company to be considered and noted that the financial risk of the company would be considered by the Audit Committee



(Proposed by the Chairman)

Notes:

- i) Cllrs E J Berry and Mrs F J Colthorpe requested that their abstention from voting be recorded;
- ii) \*Report previously circulated.

89 **SCRUTINY OFFICER UPDATE (1042-59)**

The Scrutiny Officer provided the following information:

- Members had received the information requested on complaints
- The Spotlight review with regard to Motion 564 had taken place on Thursday 28 October, it was felt that the day had been a success, one more meeting was required before the presentation of the final report to the Committee in January.

90 **WORK PLAN (1-44-02)**

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

Consideration was given to the Neighbourhood Policing item that was programmed for December, it was reported that Cllr Wilce was in conversation with police officers and that his feedback was awaited, therefore this item would be delayed. The update on the Community Safety Partnership would also be delayed, therefore it was agreed that the Cabinet Member for Continuous Improvement be invited to the December meeting (no written report was required).

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

(The meeting ended at 4.45 pm)

**CHAIRMAN**

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## **MID DEVON DISTRICT COUNCIL**

**MINUTES** of a **MEETING** of the **AUDIT COMMITTEE** held on 16 November 2021 at 5.30 pm

### **Present**

#### **Councillors**

W Burke, Mrs C Collis, N V Davey,  
R F Radford, A Wyer and A Wilce

### **Apologies**

#### **Councillors**

S J Penny and A White

### **Also Present**

#### **Councillors**

L J Cruwys, R M Deed, R Evans, B A Moore and  
B G J Warren

### **Also Present**

#### **Officers**

Paul Deal (Corporate Manager for Finance), Catherine Yandle (Operations Manager for Performance, Governance and Health & Safety), Paul Middlemass (Audit Manager), Kieran Knowles (Accountant), Sally Gabriel (Member Services Manager) and Sarah Lees (Member Services Officer)

### **Also in**

#### **Attendance**

Julie Masci (Grant Thornton), Nick Sanderson (3 Rivers Development Limited) and John Riley (3 Rivers Development Limited)

## **38. ELECTION OF CHAIRMAN**

The Chairman and Vice Chairman of the Audit Committee had sent their apologies for the meeting therefore there was a need to elect a Chairman from the floor for the purposes of this one meeting.

It was **RESOLVED** that Cllr A Wyer be elected Chairman for this meeting only.

## **39. APOLOGIES**

Apologies were received from Cllr S J Penny who was substituted by Cllr R F Radford. Apologies were also received from Cllr A White.

## **40. PUBLIC QUESTION TIME**

There were no members of the public present and none had registered to ask a question in advance.

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

No interests were declared under this item.

42. **MINUTES OF THE PREVIOUS MEETING**

The minutes of the meeting held on 21 September 2021 were confirmed as a true record and signed by the Chairman.

43. **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman had no announcements to make.

44. **3 RIVERS DEVELOPMENT LIMITED - BUSINESS PLAN 2022 - 2027 (00:05:00)**

The Committee had before it a report \* from the Deputy Chief Executive (S151) presenting a 5 year Business Plan for 3 Rivers Development Limited.

This report had principally been written to present to the Cabinet on 30 November 2021, however, the Scrutiny and Audit Committees had requested that they see it first. The Scrutiny Committee had received the report on 8<sup>th</sup> November and had made comments upon it. One of their recommendations had been that the Audit Committee consider the financial risks within the plan.

The Cabinet Member for Finance introduced the item stating that this was the start of the process for the Business Plan and that constructive financial pre-scrutiny was welcomed before it was presented to the Cabinet at the end of the month. He set out the journey that the Business Plan would then take. If approved by the Cabinet, the figures would be included within the budget papers presented to Council in February 2022. Following this each project would need to have a strong business case in order to proceed.

The Corporate Manager for Finance outlined the contents of the initial report. He highlighted the fact that an error had been identified within the table on page 13 of the agenda pack. The values in the columns had become out of sync and therefore the loan values had been overstated. Members had been sent a copy of the corrected table prior to the meeting and an update sheet showing the corrected table would be attached as an addendum to the minutes for the meeting.

The Chairman indicated that discussion with regard to this item, may require the Committee to pass the following resolution to exclude the press and public having reflected on Article 12 12.02(d) (a presumption in favour of openness) of the Constitution. This decision may be required because consideration of this matter in public may disclose information falling within one of the descriptions of exempt information in Schedule 12A to the Local Government Act 1972. The Committee would need to decide whether, in all the circumstances of the case, the public interest in maintaining the exemption, outweighs the public interest in disclosing the information.

**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)

Having considered the Business Plan, the Committee returned to open session and made the following recommendations to the Cabinet:

- a. That the language used within the Business Plan be written in such a way as to be as understandable as possible and that all acronyms used to be explained by way of a Glossary of Terms;
- b. That an external audit firm be appointed by the company to audit the company's financial statements;
- c. That the Cabinet continue to closely monitor the progress of the company's Business Plan reporting any areas of concern, particularly relating to lending, back to Council.

(Proposed by the Chairman)

Note: (i) \* Report previously circulated.

(ii) As the Scrutiny Committee had considered the Business Plan before the error in the table on page 13 of the agenda pack had been identified, it was agreed that the update sheet also be attached as an addendum to the Scrutiny Committee minutes of 8<sup>th</sup> November 2021.

#### 45. **PERFORMANCE AND RISK REPORT (01:14:00)**

The Committee had before it, and **NOTED**, a report \* from the Operations Manager for Performance, Governance and Health & Safety providing it with an update on performance against the Corporate Plan and local service targets for 2021-22 as well as providing an update on the key business risks.

It was highlighted that further information with regard to housing delivery and Freedom of Information requests had now been supplied within the report.

Discussion took place regarding:

- Private Sector Housing data presented in the report, whilst the comment was dated June 2021, it still reflected the current position.
- Electricity safety certificates were not required in the same way as gas safety certificates.
- There had been some slippage with regard to indicators in relation to incubator space and commercial land supply, however, it was explained that this had been due to staff within the Economic Development team being redeployed during the pandemic.

Note: \* Report previously circulated.

#### 46. **PROGRESS UPDATE ON THE ANNUAL GOVERNANCE STATEMENT ACTION PLAN (01:22:00)**

The Committee had before it, and **NOTED**, a report \* from the Operations Manager for Performance, Governance and Health & Safety providing it with an update on progress made against the Annual Governance Statement 2020/21 Action Plan.

It was explained that the Annual Governance Statement, whilst approved at the previous meeting, would need to be signed alongside the approved accounts.

Regarding the Action Plan, work was ongoing and progress had been made on all the actions identified.

Note: \* Report previously circulated.

#### 47. **INTERNAL AUDIT PROGRESS REPORT (01:25:00)**

The Committee had before it, and **NOTED**, a report \* from the Devon Audit Partnership presenting a progress report on the internal audit function during the 2021/22 year so far.

It continued to be the case that the Head of Internal Audit's Opinion was one of 'Reasonable Assurance' on the adequacy and effectiveness of the Authority's internal control framework.

The following areas of work were summarised:

- Income Management - 3 recommendations had been made to tighten up controls.
- Corporate Plan – SPAR indicators had been assessed and 2 core recommendations made. There had been consideration as to whether the Corporate Plan was achieving its aims as well as assessing its improvement activities.
- Income Compensation Scheme – the auditors had concluded that they were content the figures stated had been reasonable.

A further update was included:

- Work had been undertaken with regard to counter fraud training.
- Work was being taken forward but audit resources were being constrained. However, new audit staff were being recruited.
- Outstanding audit recommendations would be more 'visible' in future audit progress reports.
- It was noted that out of the 13 outstanding audit recommendations, 1 was high and 12 were now medium.

Note: \* Report previously circulated.

#### 48. **STATEMENT OF ACCOUNTS 2020 / 2021 (01:30:00)**

The Committee had before it a report \* from the Deputy Chief Executive (S151) presenting the final version of the annual Statement of Accounts to Members, highlighting any areas which had been amended since the draft accounts were published on the website and presented for external audit in July.

The Corporate Manager for Finance requested that the Statement of Accounts and Grant Thornton's Audit Findings report be taken as one item since they were so closely linked. This was agreed by the Chairman.

It was explained that there had been some minor changes to the draft Accounts previously reviewed by the Committee in July. Some were minor corrections to narrative, grammar and improving the explanation of the values within the Accounts. However, there was a change to the treatment of the upfront Pension Payment for the secondary contribution (deficit recovery payment). In the draft accounts, this had been treated as a prepayment as the payment covered the 3-years of this pension tri-annual valuation. However, in consultation with Grant Thornton, this had been amended and instead of being treated as a prepayment, it was now shown in the pension liability. In making this change, there had also been a change in the value of the pension charge to services for the year. Therefore, there were a number of minor movements in value throughout the accounts. These were highlighted in yellow to make their identification easy.

These alterations made no impact on the reported Outturn position or the Council's Usable Reserves.

Grant Thornton stated that the outstanding issues reported to the last meeting had now been resolved. All requested information had been received and corrections made where necessary. As such an unqualified opinion had been issued on the Council's financial statements.

It was further explained by the external auditors that:

- They had undertaken significant analysis in relation to the risks identified within the Group Accounts and how effectively the recommendations had been implemented with regard to 3 Rivers.
- They would be looking at the 3 Rivers Business Plan and how well it aligned with the Council's strategies.
- A Value For Money Opinion would be issued within 3 months and would be reported to the March Audit Committee.
- All adjustments within the Financial Statements had been processed hence the unqualified opinion.

Consideration was given to:

- What could be done to simplify the accounts and their presentation. It was explained that the Council had to follow the rules and regulations as specified by the statutory bodies, however, it had been acknowledged by the Redmond Review that there was a deal of complexity involved in the layout of local authority accounts which also impacted on the subsequent audit burden. A recommendation had been made by the Redmond Review to provide accounts at a simpler summary level going forwards. It was further explained that perhaps Members could receive more accounts training and better narrative provided by officers within the documents presented to them for approval.

The signatures required for the Accounts, Balance Sheet, Letter of Representation and the Annual Governance Statement were stated. It was confirmed that the formally appointed Chairman of the Audit Committee would be required as one of the signatories, not the Chairman appointed for the purposes of this meeting only.

The Corporate Manager for Finance thanked his team for their hard work and diligence in completing the accounts to time during a difficult set of circumstances. This was endorsed by the Committee.

**RESOLVED** that the annual Statement of Accounts for 2020/21 be approved and that the Letter of Representation be signed by the appropriate people.

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

Reason for the decision:

There was a legal requirement to produce and publish audited accounts for the year to 31 March 2021 and for those accounts to be considered and approved by the Audit Committee.

Note: \* Report and Statement of Accounts circulated previously.

**49. GRANT THORNTON - AUDIT FINDINGS 2020 / 2021**

Consideration of Grant Thornton's audit findings had taken place in conjunction with the previous agenda item.

**50. PSAA EXTERNAL AUDIT ARRANGEMENTS (01:52:00)**

The Corporate Manager for Finance provided a verbal update with regard to the PSAA external audit arrangements. This included the following information:

A decision would be needed by the Council with regard to whether it wanted to seek external auditors itself or whether it wanted to opt into a PSAA exercise by March 2022. Based on price, ease of administration and the PSAA overseeing the procurement exercise, it was anticipated that the recommendation to Council would be to pursue the PSAA option. If this was to be the case and Council approved the recommendation the contract length would be 5 years with an option to extend for a further 2 years. PSAA would place an emphasis on 'quality audits' which were timely and provided social value. As a result of this, it was anticipated that there would be an inevitable rise in the audit fee level.

A report and recommendation would come to the next Audit Committee meeting which would need to make a subsequent recommendation to full Council.

**51. IDENTIFICATION OF ITEMS FOR THE NEXT MEETING (01:59:00)**

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

(The meeting ended at 7.30 pm)

**CHAIRMAN**



## **MID DEVON DISTRICT COUNCIL**

**MINUTES** of a **MEETING** of the **ENVIRONMENT POLICY DEVELOPMENT GROUP**  
held on 2 November 2021 at 5.30 pm

### **Present**

#### **Councillors**

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

### **Apologies**

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

W Burke

### **Also Present**

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

L D Taylor, S J Clist, Mrs C P Daw, R M Deed, R Evans,  
Mrs E J Lloyd, C R Slade and R J Dolley

### **Also Present**

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

Andrew Jarrett (Deputy Chief Executive (S151)), Jill May (Director of Business Improvement and Operations), Andrew Busby (Corporate Manager for Property, Leisure and Climate Change), Matthew Page (Corporate Manager for People, Governance and Waste), Darren Beer (Operations Manager for Street Scene), Paul Deal (Corporate Manager for Finance), Jason Ball (Climate and Sustainability Specialist), Deborah Sharpley (Solicitor), Philip Langdon (Solicitor), Clare Robathan (Policy and Research Officer) and Carole Oliphant (Member Services Officer)

## **28 APOLOGIES AND SUBSTITUTE MEMBERS (0.02.55)**

Apologies were received from Cllr W Burke who was substituted by Cllr R J Dolley and Cllr L Taylor who attended via ZOOM.

## **29 DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (0.03.23)**

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

## **30 PUBLIC QUESTION TIME (0.03.43)**

There were no members of the public present.

## **31 MINUTES OF THE PREVIOUS MEETING (0.04.05)**

The minutes of the meeting held on 7<sup>th</sup> September 2021 were agreed as a true record and were **SIGNED** by the Chairman

## 32 **CHAIRMAN'S ANNOUNCEMENTS (0.04.40)**

The Chairman announced that the MDDC Litter Strategy would come before the Group in January after further amendments had been made.

## 33 **CABINET MEMBER FOR THE ENVIRONMENT AND CLIMATE CHANGE (0.05.20)**

The Cabinet Member for the Environment and Climate Change gave an update on his portfolio and stated that he was pleased to announce that all waste collection rounds had been completed and continued to stay on track.

He stated that the 3 weekly bin trial was ongoing and that no decisions had been made on rolling this out across the district as analysis was required on the success of the trial.

He confirmed that the Litter Strategy would be further developed with input from the PDG.

In response to questions he confirmed that the Contracted Out Enforcement report would be presented to the PDG at the January meeting and that the PSPO signs would start to be put up this week by the Building Maintenance Team.

## 34 **CLIMATE AND SUSTAINABILITY REPORT (0.09.52)**

The Group had before it, and **NOTED**, the \*Climate and Sustainability report from the Climate and Sustainability Specialist.

The Officer outlined the highlights of the Action Plan which included:

- Costings had been included and there was a further update on costs this month
- Over 600 trees had been planted on MDDC owned land
- A Community Orchard would be planted in December
- In talks with the Council's energy supplier to move to 100% renewable energy
- Bidding was underway for additional funding from the Public Sector Decarbonisation Scheme
- The Council's CO2 emissions had dropped from 20372 (tCO2-e) to 19122 (tCO2-e)

Consideration was given to:

- Increasing collections of pots and pans
- The membership of the project board for hydro-electric power
- The electricity network capacity ability to receive power from hydro-electric power
- Farmers not receiving funding for keeping woodland
- The timeframes for offsetting carbon through tree planting
- Digital connectivity in rural areas
- How the community was being supported with the Council's climate change ambitions

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

35 **PUBLIC SPACE PROTECTION ORDER - HEMYOCK (0.57.23)**

The Group had before it a \*report from the Operations Manager for Street Scene and Open Spaces providing a proposed variation to the Mid Devon (Public Spaces Protection)(Dog Control) Order (PSPO) 2021 adding two additional locations.

The Officer explained the PSPO had been sealed on 7<sup>th</sup> October 2021 and the variation was to add two additional locations in Hemyock.

Therefore the PDG **RESOLVED** that the Cabinet:

Authorise for consultation on the proposed variation order to the PSPO which would designate the locations in Hemyock, as shown on the plans attached to the report at Appendix A and Appendix C, as areas where dogs were only allowed if on leads.

(Proposed by the Chairman)

**Reason for the decision:** To include the two areas in Hemyock known as Millhayes and Longmead within the Mid Devon (Public Spaces Protection)(Dog Control) Order 2021

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

36 **DRAFT BUDGET - MEDIUM TERM FINANCIAL PLAN - GENERAL FUN (GF), HOUSING REVENUE ACCOUNT (HRA) AND CAPITAL PROGRAMME (1.04.48)**

The Group had before it, and **NOTED**, the \*Medium Term Financial Plan from the Deputy Chief Executive (S151) which covered the period 2022/2023-2026/2027 and provided options available in order for the Council to set a balanced budget.

The Deputy Chief Executive (S151) explained that the report had made some assumptions before the budget was announced and that a better settlement had been confirmed with a 3.8% increase to Local Authorities. He explained that this increase was likely to be wiped out if significant pay increases were announced. The business rate relief announcements for hospitality and leisure sectors did not apply to the Council's own leisure centres as legislation would not allow it.

The Corporate Manager for Finance explained that the Council was currently looking at a budget shortfall of £1.06m in the next financial year and he asked Members for their feedback on the proposals in front of them. He confirmed that a public survey had been launched regarding the budget and he encouraged Members to promote this to their constituents.

Consideration was given to:

- Potential savings from the trial 3 weekly bin collections had not been included and no assumptions had been made at this stage that the Council would move to 3 weekly collections
- The Climate Change commitment was a best guess at what would be required and what potential grant funding was available

- The underspend on recruitment for the previous financial year was down to various factors including turn over and issues with recruiting staff
- The last claim for Covid relief had been submitted to Government
- The Government was winding down the new homes bonus and the last payments would be received in 2022-2023

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

### 37 **WORK PLAN (1.42.31)**

The Group had before it the \*Work Plan.

The Group agreed that the following item could be removed from the work plan:

- Fly Tipping by the MDDC Grounds Maintenance Teams

The Group agreed the following:

- Electricity Distribution Network capacity for increased renewable energy – A report to be brought to the January meeting by the Climate & Sustainability Specialist giving details of the current and future capacity of the electricity network to support various initiatives such as increased electric vehicle charging and installation of heat source pumps
- Recycling Issues – A report to be brought to the January meeting by the Operations Manager for Street Scene and Open Spaces providing details of what can currently be recycled, current recycling points, costs of providing more recycling teams to accommodate collections of pots and pans and what other authorities were able to recycle that MDDC could not and reasons for this
- Sustainable Farming – A report to be brought to the January meeting by the Climate & Sustainability Specialist providing general research. (The role of sustainable farming and land use in Mid Devon. Examine the potential to learn from, and connect with, what has been done thus far on sustainable farming in Devon by existing and recent networks, studies and trials (e.g. ELMS pilot schemes).

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

(The meeting ended at 7.45 pm)

**CHAIRMAN**

## **MID DEVON DISTRICT COUNCIL**

**MINUTES** of a **MEETING** of the **HOMES POLICY DEVELOPMENT GROUP** held on 9 November 2021 at 2.15 pm

### **Present**

#### **Councillors**

R J Dolley (Chairman)  
J Bartlett, J Cairney, S J Clist, D R Coren,  
S Pugh and R F Radford

### **Apologies**

#### **Councillors**

Mrs E M Andrews and C J Eginton

### **Also Present**

#### **Councillors**

Mrs C P Daw and R Evans

### **Also Present**

#### **Officers**

Andrew Jarrett (Deputy Chief Executive (S151)), Richard Marsh (Director of Place), Simon Newcombe (Corporate Manager for Public Health, Regulation and Housing), Paul Deal (Corporate Manager for Finance), Claire Fry (Housing Services Operations Manager), J P McLachlan (Principal Accountant), Michael Parker (Housing Options Manager), Sally Gabriel (Member Services Manager) and Sarah Lees (Member Services Officer)

## **31 APOLOGIES AND SUBSTITUTE MEMBERS**

Apologies were received from Cllr Mrs Eileen Andrews and Cllr C Eginton.

## **32 PUBLIC QUESTION TIME**

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

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

No interests were declared under this item.

## **34 MINUTES**

The minutes of the meeting held on 14 September 2021 were approved as a correct record of the meeting and signed by the Chairman.

## **35 CHAIRMAN'S ANNOUNCEMENTS (00:05:00)**

The Chairman had no announcements to make.

## **36 UPDATE ON THE AFGHANISTAN RELOCATION SCHEME (00:06:00)**

The following verbal update was provided by the Housing Options Manager in relation to the Afghanistan Relocation Scheme:

- Initially there had been quite a few landlords come forward offering their properties for occupation but some had not been appropriate due to location. However, three in Crediton had been deemed to be suitable according to the criteria.
- Two of these had already been signed up and the third was in the process of being secured.
- The properties were in the process of being furnished.
- Devon County Council were in the same position in terms of the relevant criteria and the process.
- No date for 'moving in' had yet been set but all three Mid Devon landlords were on board.
- The Council was working with SeaMoor Lettings, a property management service, to progress this work.

Discussion took place regarding:

- The Council previously working with SeaMoor Lettings to house Syrian Refugees. The relationship had proved successful, as prior to this, officers had been pulled away from other Homelessness work.
- The scheme was fully funded by Devon County Council and there were no financial repercussions for Mid Devon District Council.
- The District Council worked with the County Council in that information was exchanged regarding the size and location of the properties offered by landlords so that under occupation or overcrowding was avoided.

### 37 **MEDIUM TERM FINANCIAL PLAN, GENERAL FUND (GF), HOUSING REVENUE ACCOUNT (HRA) AND CAPITAL PROGRAMME (00:10:00)**

The Group had before it, and **NOTED**, a report \* from the Deputy Chief Executive presenting the update Medium Term Financial Plan (MTFP) which covered the period 2022/23 to 2026/27 and the options available in order for the Council to set a balanced budget.

The following headlines from the Chancellors budget were reported:

- There would be a 3.8% increase in departmental spending but there were be competing demands on this.
- Current Referendum Limits would be retained at 2% or £5.
- A number of changes to Business Rate Reliefs were highlighted but due to current legislation the Council was unable to benefit from them as it was prevented from claiming relief on its own property.
- The Chancellors budget covered three years but there was no indication as to whether the settlement for local Government covered three years or one year.
- Public sector pay would no longer be frozen.
- There would be £1.8m made available for the housing supply nationally.
- £639m would be made available for rough sleeping nationally, this represented an 85% increase on 2020 levels of funding.
- Universal Credit – the tapered amount would be reduced and the amount people could earn before Universal Credit is reduced would be increased.

With regards to the housing area, the following was highlighted within the report:

- The General Fund had a shortfall of just under £1m which would increase over the next 5 years.
- There would be a significant investment in the HRA estate over the next 5 years. It was envisaged that approximately 500 units could be created which would mean a significant amount of borrowing in the initial stages.
- The figures presented in the report were only estimates at this stage, significant work would be needed to refine these.

Consideration was given to:

- HRA projects should be dealt with as a matter of priority so that affordable rental properties were brought forward.
- Concerns regarding short term lending against cash reserves in terms of risk. However, it was confirmed that the Council would not enter into any agreement unless it was 100% confident on the return.
- Local authorities could now apply rent increases that were based on the CPI plus 1%. This meant that the Council could apply a 4.1% increase but the current prudent assumption was a lower amount of 3%. This final percentage was yet to be decided.
- Rent deficits were way below what had been expected as a result of the pandemic. The Housing team were credited for working hard with tenants in terms of offering advice and support.
- The draft budget forecast included an assumption relating to an increase in interest rates.
- The Capital Programme set out how the Council was proposing to bring forward social housing schemes in the coming years. It was hoped Homes England would be able to provide some grant funding to facilitate this but the details were not yet known.

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

### 38 HOUSING SERVICE DELIVERY REPORT (00:40:00)

The Group had before it a briefing paper \* from the Operations Manager for Housing Services providing an update to Members on enforcement and other activities undertaken by officers in the Housing Service.

The Corporate Manager for Public Health, Regulation and Housing explained that a significant restructure of the Housing Service had been undertaken and a new combined Mid Devon Housing Service, with a new logo, had been created. This would put the tenants at the heart of the service.

An experienced temporary member of staff working in a Neighbourhood Officer role was thanked, by the Group, for the work she had recently undertaken to help Members and residents in the Westex Ward, Tiverton.

It was **RESOLVED** that the contents of the report be noted and that the Group receive future quarterly service delivery reports covering the combined activities of both housing and building services under a single Mid Devon Housing report.

(Proposed by the Chairman)

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

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

In addition to the items already identified within the work programme for the next meeting, the following would also be provided:

- An update in relation to the 2 modular schemes on the St Andrews and Shapland estates.
- An update on the Housing Strategy

(The meeting ended at 3.11 pm)

**CHAIRMAN**



## **MID DEVON DISTRICT COUNCIL**

**MINUTES** of a **MEETING** of the **ECONOMY POLICY DEVELOPMENT GROUP** held on 4 November 2021 at 5.30 pm

### **Present**

#### **Councillors**

J M Downes (Chairman)  
Mrs C Collis, 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, D R Coren, Mrs C P Daw, R M Deed and  
B G J Warren

### **Also Present**

#### **Officers**

Stephen Walford (Chief Executive), Andrew Jarrett (Deputy Chief Executive (S151)), Richard Marsh (Director of Place), Paul Deal (Corporate Manager for Finance), Adrian Welsh (Strategic Manager for Growth, Economy and Delivery), John Bodley-Scott (Economic Development Team Leader), Clare Robathan (Policy and Research Officer) and Sarah Lees (Member Services Officer)

## **29 APOLOGIES AND SUBSTITUTE MEMBERS**

There were no apologies for absence.

## **30 PUBLIC QUESTION TIME**

There were no members of the public present.

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

No interests were declared under this item.

## **32 MINUTES**

The minutes of the meeting held on 9 September 2021 were confirmed as a true and accurate record and signed by the Chairman.

## **33 CHAIRMAN'S ANNOUNCEMENTS (00:05:00)**

The Chairman had the following announcements to make:

1. The recent informal PDG workshop had been extremely informative, Members had received a tremendous amount of statistical economic information which was all relevant to Mid Devon. The challenge now was to move forward and produce effective policy. The Group had tasked officers to go away and

produce a report which could list those aspects that the Council could contribute to and then to use those aspects as markers going forwards.

2. The next informal PDG workshop would be held on 25<sup>th</sup> November and would be centred around the agricultural sector with a representative from the NFU attending. He was keen that the Council could build a relationship with the sector that could benefit them going forwards.

## 34 COVID ECONOMIC RESPONSE UPDATE (00:07:00)

The Group received, by way of presentation, an update regarding the current economic position within Mid Devon as a result of the pandemic. This included the following information:

- At the recent workshop Members had been surprised by the positive economic recovery data both locally and nationally.
- Metals and fabrication manufacturing industries were showing signs of growth within Mid Devon.
- The lack of a full labour market was a key issue both locally and nationally. Mid Devon represented 10% of the population of Devon but represented only 7% of the total output.
- Demography would remain a core challenge for the district, with a rapidly aging population and low rates of under 30s.
- Payroll had bounced back to pre-pandemic levels across the HOTSW area.
- Unemployment rates were historically very low in Mid Devon with many of those long-term unemployed having fundamental barriers to employment.
- SW house prices had risen by 17% over the last year – while the supply of rental properties had decreased.
- Job vacancies within the district were outstripping supply.
- Many people had reassessed their working lives during the pandemic, some deciding to retire, go back to studies or working remotely for companies outside of the district.
- Educational attainment lagged behind neighbouring authorities and this was particularly evident within Mid Devon's towns.
- Town Centres, which were already suffering beforehand, had been significantly impacted as a result of the pandemic.
- Another challenge was the automation of jobs currently undertaken manually.
- A Household Support Fund would be made available to those families that qualified for it over the winter period. This was due to be launched on 15<sup>th</sup> November 2021.
- A 'Visit Mid Devon' event would be held in February 2022 to support hospitality and tourism sectors and develop local supply chains. It was requested that this not be arranged on a day when Members needed to attend a formal committee.
- There had been some successes and failures in terms of funding bids. The 'Reconnecting Tiverton' Community Renewal Fund bid had been unsuccessful, similarly the Levelling Up Fund Round One bid for the Cullompton Relief Road was also unsuccessful but funding had been received for the Cullompton & Wellington Railway Station project in the region of £5m. It was currently anticipated that construction of the new station would start in 2024/5.

Discussion took place regarding:

- The situation regarding units in Market Walk, Tiverton. Up to date information was not available for the meeting but would be supplied to Members as soon as possible thereafter.
- Upskilling individuals was a positive and necessary ambition but how would it be achieved and how would those individuals be retained within the Mid Devon workforce? Currently there was a mismatch between the skills needed and the skills available. The Council was working where it could with local businesses, schools and colleges to ensure youngsters were made aware of all the opportunities which existed. This would be a key theme of a future PDG workshop and Members would have an opportunity to bring their ideas and develop a strategy going forwards.
- Providing the right type of housing was key in attracting and keeping people with the right skills needed for district. This could be achieved through allocating appropriate sites within the Local Plan and through the planning process.
- Effective and targeted communication was key.
- Biggest problem facing the education sector within Devon was a lack of adequate funding per child but District Councillors could act as lobbyists to those that had influence.
- Members had recently received a communication of a possibility of service cuts to the South West Trains services to London. However, if this was to come to fruition it was recognised that this could provide positive benefits as freeing up capacity on the rail line could provide addition services in the area.
- The Council was well engaged within various railway forums and were receiving weekly updates.
- Seating within Tiverton Town Centre, some of this had been removed during the pandemic to discourage public gathering. There was an opportunity to comment on improved seating provision in the second phase of the Tiverton Town Centre Regeneration project.

It was confirmed that the update provided to the January meeting would be in the form of a written report.

### 35 **MEDIUM TERM FINANCIAL PLAN - GENERAL FUND, HOUSING REVENUE ACCOUNT AND CAPITAL PROGRAMME (01:23:00)**

The Group had before it, and **NOTED**, a report \* from the Deputy Chief Executive (S151) presenting to Member's the updated Medium Term Financial Plan (MTFP) which covered the period 2022/23 to 2026/27 and options available in order for the Council to set a balanced budget.

Before discussing proposed budget savings the Corporate Manager for Finance provided high level detail regarding the Chancellor's recent budget, this included the following:

- Spending for Government departments would increase by 3.8%, whilst this was better than expected, no detail had been received yet.

- Part of the 3.8% increase would be needed to cover cost inflation linked to the national staff pay award and this was predicted to take up the greater part of that increase.
- Local authorities would be required to retain their current referendum limits of 2% or £5, this would have the effect of capping the Council's income.
- A number of changes to Business Rate Reliefs were highlighted – but due to current legislation the Council is unable to benefit from them as it is prevented from claiming relief on its own property.
- Whilst the Chancellor's budget covered a high level 3 year settlement there was no helpful detail yet as to how this would affect local authorities.

The forecasted General Fund shortfall for 2022/2023 was currently £1,072m and was predicted to rise to £1,643m by 2026/2027. A public consultation process had commenced and Members were encouraged to ask their constituents to engage in the process.

Suggested budget savings were presented in Appendix 2 and the Policy Development Group were asked to comment on whether or not they supported those that related to the Economy area or whether they had any alternative saving ideas:

Discussion took place with regard to:

- There was no more 'low hanging fruit' to cut, this had already been done in the previous 10 years plus of budget cutting.
- The effect of the pandemic on Council finance was ongoing.
- So much detail was yet to come from central Government.
- Public concern regarding the 'big numbers' in relation to Council Tax.
- The number of question marks shown in Appendix 2 in relation to the Economy service areas was noted by the PDG.
- Making sure all available Council owned units were occupied thereby ensuring maximum income.
- The need for the PDG to identify and recommend savings where it could to the Cabinet in order to address the shortfall in the budget.
- The scope of the Economy PDG budget area being limited with its emphasis being more on growth and bringing money in.
- The Council's retail portfolio was as full as it had ever been.

The Chairman stated that because of the current uncertainties regarding the areas identified in Appendix 2 under the Economy area he did not feel the PDG were able to comment savings options at the current time. He thanked the Deputy Chief Executive (S151) and his team for all that they had done to progress the budget thus far.

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

### 36 **PENINSULA TRANSPORT: RESPONSE TO THE CONSULTATION ON REGIONAL TRANSPORT STRATEGY VISION (01:47:00)**

The Group had before it, and **NOTED**, a report \* from the Director of Place informing Members of the District Council's response to the Regional Transport Vision consultation being undertaken by Peninsula Transport, the sub-national transport

body. This report was requested by the PDG following consideration of consultation material at its last meeting.

It was explained by the Strategic Manager for Growth, Economy and Delivery that Members had shown an appetite at the last meeting to continue to be involved in the discussion around a regional transport strategy. It was suggested that perhaps more Member engagement could be had by having discussions with the transport team at Devon County Council. This was something that the Economic Development team could investigate since not all the issues previously raised were regional, some were very local and Members could have a great deal to contribute. This suggestion was supported by the PDG. There were links with 'skills and employment' and an opportunity to 'join up some of the dots'.

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

### 37 **IDENTIFICATION OF ITEMS FOR THE NEXT MEETING (01:55:00)**

Other than the items already identified in the work programme, the following was requested to be on an agenda for a future meeting:

- As part of the emerging Recovery work, a report setting out suggested plans for initiatives which were 'ready to go' should Government funds subsequently become available to progress them.

(The meeting ended at 7.26 pm)

**CHAIRMAN**

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## **MID DEVON DISTRICT COUNCIL**

**MINUTES** of a **MEETING** of the **COMMUNITY POLICY DEVELOPMENT GROUP** held on 16 November 2021 at 2.15 pm

### **Present Councillors**

Mrs C Collis, W Burke, L J Cruwys, J M Downes, B Holdman, S Pugh and Mrs E J Slade

### **Apologies Councillors**

Mrs E M Andrews

### **Also Present Councillors**

Mrs M E Squires, Mrs C P Daw, R M Deed, R Evans, D J Knowles and B G J Warren

### **Present Officers:**

Richard Marsh (Director of Place), Jill May (Director of Business Improvement and Operations), Paul Deal (Corporate Manager for Finance), Lisa Lewis (Corporate Manager for Business Transformation and Customer Engagement), Simon Newcombe (Corporate Manager for Public Health, Regulation and Housing), Lee Chester (Leisure Manager), Clare Robathan (Policy and Research Officer) and Carole Oliphant (Member Services Officer)

## **25 APOLOGIES AND SUBSTITUTE MEMBERS (0.04.49)**

Apologies were received from Cllrs Mrs E M Andrews and Mrs M E Squires attended remotely. The Vice Chairman was in the Chair.

## **26 DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (0.05.14)**

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

## **27 MINUTES OF THE PREVIOUS MEETING (0.05.37)**

The Minutes of the Meeting held on 21<sup>st</sup> September 2021 were approved as a correct record and **SIGNED** by the Chairman.

## **28 PUBLIC QUESTION TIME (0.05.59)**

There were no members of the public present.

## **29 CHAIRMANS ANNOUNCEMENTS (0.06.29)**

The Vice Chairman reminded Members of the special meeting being held on Monday 20<sup>th</sup> December to agree the recommendations from the Strategic Grants Working Group.

### 30 CUSTOMER CARE POLICY (0.07.09)

The Group had before it a \*report from the Corporate Manager for Digital Transformation and Customer Engagement presenting the revised Customer Care Policy and Standards.

The officer explained that there were no significant changes to the policy and that the standards had been presented in a separate document.

It was therefore **RESOLVED** to recommend to the Cabinet that revised Customer Care Policy and Standards be approved.

(Proposed by Cllr L J Cruwys and seconded by Cllr B Holdman)

**Reason for the decision:** The Policy underpinned the core values of Mid Devon District Council, as stated in the Corporate Plan around People, Performance, Pride and Partnership.

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

### 31 AIR QUALITY ACTION PLAN (0.09.05)

The Group had before it a \*report from the Corporate Manager for Public Health, Regulation and Housing providing the revised corporate Air Quality Action Plan following a recent completion of external and public consultation.

The officer explained that this was a full review and revision of the existing plan and that the PDG had agreed the process for internal and external consultation in March 2021. There were 25 new or updated measures being proposed which included traffic management and electric vehicle charging.

Consideration was given to:

- The report looked at where all air pollution was coming from and had identified that in Crediton and Cullompton transport was the largest contributor
- The health costs stated were the national figure
- The low response from the public consultation although it had been advertised on the website, through the Parish Councils and placed in the local newspapers
- The cost figures stated for the Cullompton distributor road were from the March report and would be investigated to see if there had been any movement and updated accordingly

It was therefore **RESOLVED** to recommend that the Cabinet:

1. That the updated Air Quality Actions Plan attached in Annex 1 be adopted;
2. That the details and timelines for the adoption of the updated Air Quality Supplementary Planning Document via the Planning Policy Development Group as set out in section 5.3 of the report be **NOTED**

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



**Reason for the decision:** The adoption and implementation of an Air Quality Action Plan (where an authority has designated one or more Air Quality Management Area's) is a statutory requirement

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

32 **RECOMMENDATIONS FROM COMMUNITY SAFETY PARTNERSHIP WORKING GROUP (0.23.09)**

The Group had before it a \*report from the Community Safety Working Group presenting its recommendations.

The Corporate Manager for Public Health, Regulation and Housing explained that the working group had been formed due to Members concerns regarding sexual violence against women and that the working group had subsequently looked at the wider priorities of the Community Safety Partnership.

Consideration was given to:

- The Council did liaise with the Police through the Community Safety Partnership
- The Police and Crime Commissioner had recently updated her Police and Crime Plan which put domestic violence at the forefront of policing
- The Tiverton Police Desk was due to be opened imminently
- Tiverton High School students had been looking at domestic violence

It was therefore **AGREED:**

1. That members have the opportunity to complete the Mental Health First Aid Training in order to enhance and support their community liaison role within communities
2. That members have the opportunity to receive a regular Community Safety Partnership (CSP) quarterly updates to assist them keep abreast of current CSP themes, projects and achievements.
3. Officers to provide members with a briefing on Modern Slavery with a local flavour by March 2022
4. Members agreed that that officers review Mid Devon District Council becoming a 'Trauma Informed Council' and potentially adopt a trauma informed approach to future service delivery, which may be based on the Plymouth Trauma Informed City model or other examples and provide a subsequent paper for members to review at its January meeting

(Proposed by Cllr C Collis and seconded by Cllr B Holdman)

**Reason for the decision:** If the Council does not engage with the Community Safety Partnership there is a risk of failing to meet statutory duties

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

33 **MEDIUM TERM FINANCIAL PLAN - GENERAL FUN (GF), HOUSING REVENUE ACCOUNT (HRA) AND CAPITAL PROGRAMME (0.36.46)**

The Group had before it, and **NOTED**, the \*Medium Term Financial Plan from the Deputy Chief Executive (S151) which covered the period 2022/2023-2026/2027 and provided options available in order for the Council to set a balanced budget.

The Corporate Manager for Financial Services reported the following headlines from the recent Chancellors budget:

- There would be a 3.8% increase in departmental spending but there were be competing demands on this.
- Current Referendum Limits would be retained at 2% or £5.
- A number of changes to Business Rate Reliefs were highlighted but due to current legislation the Council was unable to benefit from them as it was prevented from claiming relief on its own property.
- The Chancellors budget covered three years but there was no indication as to whether the settlement for local Government covered three years or one year.
- Public sector pay would no longer be frozen.

The Corporate Manager for Financial Services explained that the Council was currently looking at a budget shortfall of £1.06m in the next financial year and he asked Members for their feedback on the proposals in front of them and any new options that the committee felt that Cabinet should be exploring.

The PDG **AGREED** to revisit the draft budget at the special meeting on 20<sup>th</sup> December when Members would have investigated the figures fully and would bring forward suggestions for amendments.

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

34 **ACCESS TO INFORMATION - EXCLUSION OF PRESS AND PUBLIC (0.49.18)**

The Vice Chairman indicated that discussion with regard to the next item, may require the Policy Development Group to pass the following resolution to exclude the press and public having reflected on Article 12 12.02(d) (a presumption in favour of openness) of the Constitution. This decision may be required because consideration of this matter in public may disclose information falling within one of the descriptions of exempt information in Schedule 12A to the Local Government Act 1972. The Policy Development Group would need to decide whether, in all the circumstances of the case, the public interest in maintaining the exemption, outweighs the public interest in disclosing the information.

**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)

35 **LEISURE PRICING REVIEW - 2022-2023 (0.51.16)**

Members discussed the Pricing Review and:

**RESOLVED** to delegate the decision on fees and charges for Leisure Services to the Cabinet Member for Community Wellbeing.

(Proposed by the Chairman)

36 **WORK PLAN (0.52.32)**

The Group had before it, and **NOTED**, the \*Work Plan

Members discussed the Vulnerability Policy Proposal Form and **AGREED** for officers to develop a policy and bring this back to the Community Policy Development Group for approval.

(Proposed by Cllr L J Cruwys and seconded by Cllr B Holdman)

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

(The meeting ended at 3.39 pm)

**CHAIRMAN**

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## **MID DEVON DISTRICT COUNCIL**

**MINUTES** of a **MEETING** of the **PLANNING COMMITTEE** held on 3 November 2021  
at 2.15 pm

### **Present**

#### **Councillors**

P J Heal (Chairman)  
Mrs F J Colthorpe, G Barnell, E J Berry,  
S J Clist, L J Cruwys, Mrs C P Daw,  
R J Dolley, C J Eginton, F W Letch and  
B G J Warren

### **Also Present**

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

R J Chesterton, B Holdman, D J Knowles,  
Mrs E J Lloyd, Mrs E J Slade,  
Mrs M E Squires and L D Taylor

### **Present**

#### **Officers:**

Richard Marsh (Director of Place), Angharad Williams (Interim Development Management Manager), Dean Emery (Corporate Manager for Revenues, Benefits and Recovery), Maria De Leburne (Operations Manager Legal and Monitoring), Christie McCombe (Area Planning Officer), Myles Joyce (Consultant Development Management Officer), John Millar (Acting Area Team Leader), Daniel Rance (Principal Planning Officer), Carole Oliphant (Member Services Officer) and Sally Gabriel (Member Services Manager)

## **111 APOLOGIES AND SUBSTITUTE MEMBERS**

There were no apologies for absence.

## **112 PUBLIC QUESTION TIME (00-04-23)**

1. Mr Elstone referring to number 1 on the agenda stated:

Question 1

The MDDC Adopted Masterplan SPD Document Section 1.7 Design Process States:

“MDDC will expect landowners and developers to follow the prescribed design process which is adopted as an integral part of this SPD”.

The words, stipulate, command, impose are all synonyms of the word prescribed, I am therefore at a total loss to understand why anyone could not understand then follow this very clear requirement.

Can it be fully explained why Redrow Homes were allowed to ignore the prescribed requirement at the UD &AP stage. This to consult with the Public and Stakeholders and hold a workshop in order to formulate the UD&AP proposals before progressing to the Reserved Matters Stage.

#### Question 2

Can it be fully explained why Redrow Homes were allowed to ignore the prescribed requirement at the UD &AP stage to engage with the Design Review Panel this to discuss and formulate the UD&AP proposals before progressing to the Reserved Matters Stage.

#### Question 3

Why were Redrow Homes allowed to arbitrarily create 6 new character areas without any form of consultation this with stakeholders or even Ward Councillors. In creating these artificial areas, they have totally destroyed the full intent and key principles of the Tiverton EUE Masterplan SPD Design Guide.

They have placed the highest density housing areas where it should be amongst if not the lowest in this phase of the development. They have placed the lowest density housing their show homes against the Spur Road which should be the highest. They have defeated the Centre to Edge, Key and Guiding Principle.

#### Question 4

What efforts did the MDDC Officers make to have Redrow Homes comply with the prescribed Planning Design Process. I understand that MDDC Officers attempted to get Redrow Homes to engage with the Design Review Panel before submitting the Reserved Matters Application, but they would not comply. Can this be confirmed.

#### Question 5

Why have the Planning Officers never flagged up to Planning Committee Members how critical the Design Review Panel were of being introduced late (too late) into the Design Process.

Also, how the Review Panel felt constrained in making recommendations as a result.

#### Question 6

Why were Redrow Homes allowed to fail to comply with their own UD&AP submission that said they would engage with the Design Review Panel before they submitted their Reserved Matters Application.

#### Question 7

Why did Redrow Homes fail totally to follow their own Community Engagement Policies as defined in Redrow 8 Placement Key Principles Document, Principle 1 Listen to Learn -Community Engagement.

2. Mr Langford referring to number 4 on the plans list stated:

The lengthy report has been produced when the officer and department are under pressure to clear applications. Perhaps as a result, there are basic errors of fact presented to you. They are of fundamental importance to your decision making today.

I have the following question, in three parts, on one aspect - the need for 24 hour attendance on site, for you to put to the planning officer:

- Why was the Economic Development officers' input, which was one of balance with stated doubts on the need for 24 hour attendance on site ( "I am doubtful"), edited to an endorsement of the applications Functional Need statement? Why was the claim by the applicant of poor 4G connections preventing remote sensing not checked with the governments' OfCOM on-line site? It shows there are 4 different providers of good 4G services available. Interestingly the even more reliable option; the Ultrafast Fibre Optic cable connection in the lane running past the field gate was not in the application. There are therefore 5 different communication services for the remote sensing of all the hatching equipment, cameras for animal welfare as well as site security. Most neighbours use these services quite adequately. Why was no check made on the claim by the applicants that there were no available rented properties nearby? As at 1 November at least 7 three bedroomed houses within 4 miles, or 10 minutes travel; and over 10 similar houses at about 8 miles distance, or 20 minutes travel are advertised. These are available for the applicant, or the supposedly required agricultural worker, without incurring further permanent environmental and ecological construction damage to the open landscape of the AONB – a key consideration, especially in the week of COP26.

3. Patricia Parsons referring to number 2 on the plans list stated:

I have worked with the elderly over 40 years, prior to retirement we owned and managed a care home registered mainly for dementia suffers, so I am aware of the problems of running a care home. Looking through the points on the report I notice the following:

Highways state that many parked cars on the highway leading to this area does cause concern and maybe restricting the width of the carriageway to a point an emergency vehicle would struggle to negotiate, also this is far short on MDDCs Policy DM5 and suggested prior more extensions there is a need to provide adequate parking for the existing use.

Health and safety made no recommendations but surely anyone using the mews is at risk due to the parking problems, no path between the homes means residents in wheelchairs using the road, which often has a parked car on the side making the carer and the wheelchair walk in the road, surely not an ideal situation for staff or residents.

99% of all highways parking in the mews is by staff and visitors, residents of the mews park either in garages, on allocated parking areas or outside our garages.

Policy DM8 applies a minimum of 1.7 parking spaces per dwelling. Ashdowne has 2, Pinnex Moore 0, this is to allow 60 residents and their visitors, 48 staff and numerous workmen etc. Although we do not expect them to provide anything like the amount recommended surely the mews should not be a car park for the care homes.

Please remember all the residents of the homes are either physically or mentally frail, can you imagine the problems encountered by the emergency services during an emergency, trying to evacuate 60 frail residents, with numerous demented residents, not understanding what was happening and fighting those trying to help, imagine the panic, getting frail people downstairs. In the event of an emergency vehicles and their backups, the mews is often blocked by parked cars, where will all these vehicles park with the turning bay full of staff and visitor cars.

Temporary permission for siting of a portacabin for an office was granted in 1997 and again in 2002, as far as we can see there seems to be no more permission asked for. Is this portacabin now a permanent structure, could you withdraw permission, re-installing 4 parking bays increasing the number of bays from 12 not as the report states to 16.

My question is why are thousands of pounds spent on Local Plans if planning is not being guided by them, please sort out the parking before you allow anymore extensions to what is an over developed area.

4. C D Roberts referring to number 2 on the plans list stated:

I note the recommendation is to grant this application subject to various conditions. Although I have read the proposed conditions, I am not a planner so please could you explain exactly what conditions mean?

In particular, why can the Construction Environmental Management Plan not be agreed before approval, given that it will have a significant effect on residential amenity, public safety and highways safety? By having this condition exercised after planning is granted it removes the oversight of this committee and the public.

5. Valerie Day again referring to no 2 on the plans list stated:

The proposed development will overbear the adjacent properties, providing visibility directly into their bedroom windows, save for the hedge between them. The hedge has been assessed as 'low quality'. Why is it considered 'low quality'? What contingency plans does the applicant have should the hedge die, or the quality deteriorates? This is particularly important given the likelihood of root disturbance during construction even with pile foundations and protection. Orkney Mews used to be a quiet cul-de-sac.

I accept that the home provides a vital service, but in the middle of an overdeveloped residential estate that is largely restricted to retired people, who are home all the time, is unfortunately not the right place to grow one. This area is already totally overdeveloped

If the hedge dies or deteriorates a 6-foot-high fence will not suffice, will the planning committee ensure a like for like replacement will be guaranteed?



6. R B Clarke referring to number 2 on the plans list stated:

The surrounding area already cannot cope with the volume of traffic that the care home attracts. We the residents of the Mews are worried about safety for themselves and the children who use it as a cut through from the high school to the estate. Notwithstanding the reducing effect that Covid-19 restrictions have had on visitors, some residents are placing traffic cones on their own property to prevent vehicles from crossing onto it and causing damage.

A visitor on a mobility scooter to one of the residents was forced into the road due to visitors of the home parked on the pavement, there are numerous people who live locally and who use mobility scooters, surely, they should not be put at risk in this way.

If the application is approved, what restrictions or actions can the committee or the applicant take to ensure, measurably, that the access and safety of the Mews residents is not made any worse than it currently is.

7. K L Parry referring to number 2 on the plans list stated:

The home currently has 12 available parking spaces for staff and visitors, and not 15 as stated in the parking plan. It appears that the applicant is counting 2 parking spaces on the turning head itself, which is unacceptable and a public highway others are underneath a temporary portacabin that has outstayed its agreed planning conditions by about 20 years, and a fenced area used for bin storage.

Can the applicant please explain how they arrived at this figure of 15 spaces?  
The applicant has revised their plans to remove new planned bedrooms.

Although it should be noted that it would be possible to create additional bedrooms elsewhere within the property once extended, I do understand that you cannot use that alone as a grounds for refusal. However, they have used this as a justification to state that car parking is not a consideration under this new application as there is no increase in bed space. I would like to ask the planning committee to remember that more beds need more staff and more deliveries. The issue with the severe lack of parking has never been due to the care home residents themselves, rather visitors, staff and service vehicles combined

In addition to my earlier question about the number of spaces presently available being overstated, has the applicant considered removing the temporary portacabin office and fenced storage bin storage area from the carpark to restore some of the originally planned parking bays. Will the committee consider the overall increase in parking demand from staff, residents' families and friends and service vehicles?

8. B A Leach referring to number 2 on the plans list stated:

In the event that planning permission should be granted what/will restrictions be put in place to lessen the impact on the ageing local community in respect of their privacy and the access to their properties/parking?

9. C A Wood referring to number 2 on the plans list stated:

Staff already park in the road because there is limited space on the site. Visitors often park in the entrance itself, in the turning head (sometimes double parked) and on the pavement of the surrounding roads blocking access for large vehicles. I note that when Councillors and officers have visited the site for this application, they have parked in the turning head because there is nowhere else available, which forces the large trucks servicing the home to turn and drive over the pavement.

I have seen ambulances parking back on the street because they could not get into the site, which can delay vital care. I have seen vehicles loaded and unloaded in the middle of the public highway, as parked cars stop lorry drivers packing close to the homes. I pray they never need a fire appliance because at busy times they simply will not get close.

The highways authority states in their consultation that the number of spaces is not sufficient for the size of the care home. The current provision also falls far short of Mid Devon's own local policy plan DM5 which required 60 spaces.

What provision is the applicant making to ensure that emergency and delivery vehicles can access the home? What justification would create some limited additional parking space?

Would it be possible for a condition to be added that the temporary building in the carpark is removed as a condition of approval, as this would create some limited additional parking space?

10. John Dunlea referring to number 2 on the plans list stated:

If building works go ahead, where will all the building materials, equipment and working area be sited, and where will the construction plant and vehicles park? Will the normal staff and visitors be required to park away from the site to allow access, and if so, where will this be given the lack of parking space in the area? I am concerned that the Construction Environmental Management Plan requested by the conditions will be acceptable on paper but not actually be workable. There has been past building works at the care home, and this caused significant access issues to neighbouring properties despite past mitigations.

11. Mary Seaton referring to number 1 on the plans list stated:

1. Why are Redrow non-compliant with the procedures of a planning application? The design was not seen by the design committee until too far along the design process, the design recommendations were for a Centre to Edge plan and the long row of houses affecting existing residents was meant to be highest density along the green boulevard at right angles to the existing plan.

2. Why are Redrow not indicating any Green policies in this development? There is no sign of solar panels, space for heat pumps or indeed much in the way of electrical points for cars. Given that there will be an average of 1.5 cars per household the roads indicated are not wide enough to allow parking

3. Why are there no cycle paths?

4. Why should Redrow be allowed to use the farm gate entrance to the north side of Blundell's Road. They could access their sites via the new roundabout. They

should likewise not vandalise the existing hedge along the road to access the self-build homes which should open onto a service road to the north of them.

12. Jo Blackmore referring to number 4 on the plans list stated:

Could the committee ask the planning officer why the evidence provided by professionals such as the AONB and Economic Development officer have been discounted? The AONB objections concerning the siting of the dwelling, and damage to the area, have been disregarded and the Economic Development officer, whilst unable to come to a definite opinion, did not say there was an essential need for a worker to be on site as required by DM8?

13. Garth Whisker again referring to number 4 on the plans listed stated:

I wish to ask the following questions.

What is the committees view on the recent sighting of a mobile home, 3 weeks prior to today's meeting?

Does this demonstrate a complete disregard for any decision that the planning officer and committee might make today and would this constitute a flagrant breach of planning rules?

Could the committee ask the planning officer why in the case of such small wet land acreage with only 4 horses and a handful of chicken, in a sensitive landscape area, would there be any immediate need for a large 3 bedroom farm workers dwelling applied for on a 3 year temporary basis during which time an agricultural occupancy would need to be proven.

A small mobile caravan, adjacent to the already established workers rest room would seem more than adequate for this temporary purpose.

14. Freddie Parker referring to number 4 on the plans list stated:

Could the committee ask the planning officer if, without revealing detailed financial information provided by the applicant, he could give an indication of the percentages for income generation expected from horse rehabilitation, horse owner "treatment" and horse livery, in comparison to the chicken activity and hay production? i.e. the percentage of agriculture vs equine. Also does the applicant have planning permissions to run a human therapy business from the site or has the business model changed from that on her website and social media?

15. Julian Day referring to number 4 on the plans list stated:

Could the committee ask how the proposed dwelling is to be occupied, Condition 4 recommended by the Planning Officer stipulates that "the dwelling hereby approved shall be occupied only by a person solely working in relation to the agricultural use at Poacher's Rest and to any associated family members". As in para 11.5 the statement is made that the dwelling will be "for the applicant and her family" and therefore not for the agricultural worker. The applicant is a psychotherapist running a business called Integrated Trauma Solutions and does not nor ever has worked in agriculture.

16. Hannah Kearns referring to number 1 on the plans list stated:

#### Question 1

My first question follows sight of an email from Redrow Homes Senior Planning Manager to the MDDC Tiverton EUE Area Planning Officer dated 12th October 2021. In this email Redrow's Senior Planning Manager says the following:

"Whilst I appreciate it could be termed an "easy win" we are already going above and beyond by a reasonable quantum the requirements and as such have we not already met the request of Cllr Knowles. In theory we can provide more charging points but all these have significant viability for two reasons"

And also:

"The fact that to provide the electric charging points requires the electricity network to be enhanced with an oversized substation and increased forecast electricity demand to cater for the request".

Given the content of the email I'd like to ask for clarification of the following:

- What future proofing have Redrow Homes considered for the electrical infrastructure given that it already seems near to capacity given this response and the likelihood of future legislation driven by the climate emergency to which MDDC has signed up for?

N.B. Currently Redrow only propose 48 out of 164 plots for car electrical chargers.

Assuming that 7.2 KW charging points are installed for all of the 164 plots going forward, this equates to a further 835 KW at peak load over the 345 KW so far provisioned.

- What is the actual power output of the electric car chargers Redrow now intend to provide? Is it 3.2 KW or 7.2 KW? It should be noted many residents will likely upgrade to 20 KW or higher as current data shows.

- Given that Redrow Homes are installing gas boilers which will very likely need to be replaced by Air Heat Pumps in a relatively short period of time, substantial extra demand will be placed on the electricity network (assuming an extra 4.5 KW per house or 738 KW). Are Redrow Homes future proofing the central heating system radiator pipework by only installing 15 mm pipe as opposed to micro bore which will not work?

#### Question 2

Why have Redrow Homes been allowed to design and submit a housing project that is so grossly in non-compliance with the Tiverton EUE Masterplan SPD and Design Guide without any apparent substantive challenge?

17. Emma Way referring to item 1 on the agenda stated:

I feel passionately that this application as it currently stands is sub optimal and completely misses the essence of the 2016 EUE design plan which generally promised so much. Having spent my entire career in education working in the UK and abroad, a large part which has been outside I have come to recognise a fundamental truth. Buildings and their relationship with space have an immeasurable impact on the wellbeing and mental health of people. Respect and nurture the first and then hopefully the other will follow.

1. Playgrounds should be a safe, calm environment which parents should easily access and not cause undue stress and anxiety. Why this playground is situated on a very busy road and why is it not adjacent to the housing north of Blundells road and are you really happy with this?
2. Mid Devon has specifically expressed its ambition to enhance cycling opportunities. Where are the cycling lanes on the plan? They should connect all areas and reach the new employment centre.
3. A key part of the EUE plan was to fully protect West Manley Lane yet it is evident that Redrow homes keep accessing this space in order to start construction.
4. Given the current COP26 conference renewable energy should be front and centre, despite this the developer keeps talking about project viability impacts even after being asked to provide extra car charging points. Why is this development choosing to use gas and why are solar panels not being installed from the outset on all the houses. As per my objection letter C J Fry have 90 attractive new homes in Tisbury all with air source heat pumps. I have seen them.
5. The 2016 EUE Design specified the use of vernacular stone to compliment the historical tile of the town and the beautiful rural setting. Where is this stone in this development? This would at the very least distinguish it from other Redrow developments. The applicant's plans do not in any way fulfil the MDDC DM1 Policy requirements
6. I feel really strongly about this one. The approach from the A361 looks really depressing when you look at it and imagine it on the paper. Someone exiting the link road from the new junction will be confronted by looming 3 storey buildings, their first impressions of Tiverton and how does this reference our historic market town?
7. Trees, I feel strongly about them too. New build developments nationwide have taken and are taking a massive toll on ancient priceless and treasured trees that support entire eco systems. I feel we need to be planting more particularly on the new junction on the Blundells Road. Housing density is gravely concerning as far as I can see from the current application there has been a total lack of respect of residents along the Blundells Road. Why does extreme high density housing back onto properties that were initially given to understand that there would be far fewer. Why are there only two bungalows on this current application and why are there not more fully accessible 3 bedroomed properties. The current call for houses goes way beyond bricks and mortar we've lived through two extraordinary years and if anything we should have learned the need to create environments for the future which foster positive mental health, protect biodiversity do you honestly feel that this proposal achieves all of the above. I sincerely hope that we will look back in 5, 10, 15 years and know that your decision today as our local representatives to

Council is nothing more than doing the best thing and please return to the original EUE Master plan because it was an inspiring vision for a better future.

18. Heather Bingham/Graham Conabeare referring to number 1 on the plans list stated:

I understand that the above planning application will be discussed at the meeting on Wednesday 3 November 2021. Unfortunately we are unable to attend but would appreciate if you could please ask the Chairperson to read out the following questions from us as owners of 'Sherwood', one of the ten existing properties in Blundell's Road which will be impacted by this proposed Redrow development:

1. Why, if MDDC 'expected' Redrow to deal sensitively with the residents of the existing ten properties in Blundell's Road, has this expectation not, from then on, appeared to play any part in planners' considerations?
2. Why have Redrow been repeatedly allowed to flout planning processes, eg from the consultation stage onwards to issues relating to site access, etc?
3. Why have we not been afforded the same consideration as other residents in the town previously in terms of the properties being built behind our bungalow? (We are referring to bungalows having to be built behind bungalows, rather than the 2-storey houses which were originally proposed by a developer in the past in another part of the town).
4. Why have MDDC agreed to working times on site being from 7.30am, when the accepted norm across the land is 8.00am? (Even with that so-called 7.30am start, work has been going on behind our property from 7.00am with its ancillary noise, vibration and disruption).

19. Amanda Keetly referring to item 5 on the agenda stated:

My question as you said is on reference to the Linscombe Farm application for 5 eco homes with lots of additions for bio diverse wildlife instead of 3 very large non eco homes with very little provision for wildlife and the second one, the 3 very large homes already has permission to be built. So my question is please can you highlight which policy would mean that this application which is reference 21 /00887/FULL, this eco-friendly nature regenerating community enhancing development is being recommended for refusal by MDDC?

#### **113 DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT (00-44-32)**

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

#### **114 MINUTES OF THE PREVIOUS MEETING (00-45-44)**

The minutes of the meeting held on 6 October 2021 were agreed as a true record and duly **SIGNED** by the Chairman.

#### **115 CHAIRMAN'S ANNOUNCEMENTS (00-46-09)**

The Chairman welcomed Richard Marsh (Director of Place) to the meeting.



## 116 DEFERRALS FROM THE PLANS LIST (00-46-58)

There were no deferrals from the Plans List.

## 117 THE PLANS LIST (00-47-15)

The Committee considered the applications on the \*Plans List

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

Applications dealt with without debate.

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

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

- a) Application 20/01764/TPO –application to reduce height and canopy spread on north side by 2m of 1 beech tree (T1) and fell 2 ash trees (T2 and T3) protected by Tree Preservation Order 80/00001/TPO – land at NGR 294817 112951 (South of 45 Derick Road) Patches Road, Tiverton be approved subject to the conditions as set out in the report***

(Proposed by the Chairman)

**Reason for the decision:** As set out in the report

Notes:

- b) Application 21/00454/MARM – Reserved Matters (appearance, landscaping, layout and scale) for 164 dwellings with the provision of public open space, vehicular and pedestrian access, landscaping, drainage and related infrastructure and engineering works following outline approval 14/00881/MOUT – land east of Tiverton, South of A361 and both north and south of Blundells Road, Uplowman Road, Tiverton)***

The Area Planning Officer provided responses to questions raised in public question time, covering the general issues as follows:

- With regard to non-compliance with the application process and more specifically why the Design Review Panel had not been involved at an earlier stage, the officers were unaware of any non-compliance to the statutory application process, the report of 28 July 2021 provided a reference to the NPPF that encouraged the Design Review Panel (DRP) process and the applicant was informed, she acknowledged that there was a delay in the DRP being involved but that the application had been considered by the DRP.
- With regard to the 'Centre to Edge' concept established in the Tiverton EUE Design Guide which made reference to a row of houses adjacent to the green boulevard – this were possibly those mentioned in figure 3.39 of the design guide that focused on the residential core or those highlighted within the

illustrative masterplan submitted at outline stage. The adopted masterplan set out a strategic vision for the EUE and was intended to be flexible. The masterplan submitted with the 2014 outline application was an illustrative framework plan setting out how the development might be achieved.

- With regard to the inclusion of green policies – this was referred to in the update sheet
- With regard to cycle paths, again she referred to the update sheet and confirmed that cycle paths were provided and had not been removed.
- With regard to the access via the farm gate entrance on the north side of Blundells Road, she would need to clarify this with the questioner as the access would currently be off the A361 junction for construction works.
- With regard to the self build dwellings being serviced from the north, the officer's report stated that the proposed scheme would not preclude this.
- With regard to electrical infrastructure and future legislation driven by climate change, the planning consent would be based on the current legislative framework. The provision of EV charging provisions was outlined in the report.
- With regard to the applicant dealing sensitively with residents – the meeting was advised that due consideration had been given to all the residents and that changes had been made to the proposals some of which had been highlighted by residents.
- With regard to the 10 existing properties north of Blundells Road and them not being afforded the same consideration as other residents in town, she was unaware of the specific application that was being highlighted.
- With regard to construction hours, this was highlighted within the update sheet.
- With regard to the consultation process and workshop – reference was made to this in the adopted masterplan
- With regard to the Design Review Panel - this had been answered previously
- With regard to the 6 character areas – this was referred to in the update sheet
- With regard to officers encouraging the Design Review panel process – this had been responded to previously
- With regard to why the officers had never flagged up to committee members how critical the Design Review Panel were of being introduced late into the process – officers had never hidden this fact.
- With regard to why Redrow were allowed to fail to comply with their own policies – the applicant would need to answer this.

The officer then outlined the reasons why the application had been deferred previously, she informed those present that a stakeholder meeting had taken place on 6 September and following this, revised drawings had been received, she also stated that a number of other drawings had been received and were available on the planning portal.

The officer then outlined the contents of the report by way of presentation highlighting the history of the site, the reduction in the number of dwellings from 166 to 164, the layout of the spine road, the site location plan, the illustrative framework plan from the masterplan, an aerial view of the site, the planning layout, the proposed changes to the layout of the dwellings behind the properties to the north of Blundells Road. She explained the location of the affordable dwellings, the provision made for play space, the increase in the number of electric charging points on the site, the crossing



points that had been put in place, the reduction in height of the apartment block, the introduction of 2 bungalows, the changes to the depth of the buffer and explained the density of the dwellings in that area. She also provided photographs from various aspects of the site.

Consideration was given to:

- The views of the objector highlighting his and others disappointment in the proposals for development on this site; the fact that the determination of the current application would leave a legacy for the rest of the site; the poor development design and density to the north of Blundells Road; his views on non-compliance with regard to the planning process and planning design, the lack of engagement with the general public and the expectations of the masterplan.
- The views of the applicant with regard to the stakeholder meeting that had taken place and the changes to the scheme that had been made following this meeting the fact that all the local residents had been written to and consulted and that the views received had been interpreted within the plans.
- The views of the Ward member in attendance who stated that the applicant had been listening and that the points that he had raised at the stakeholder meeting had been considered. He was unsure whether there were enough electric car charging points and would have liked to see the installation of heat pumps.

Discussion then took place regarding:

- Recent Government guidance with regard to climate change issues and whether additional conditions could be added to address this
- The viability of the scheme and the need to comply with the current framework and that the applicant had over-provided against policy requirements
- Concern with regard to the design, location and number of affordable dwellings and the mix of affordable dwellings
- Disabled access to the apartments
- The location of the new play space and the safety of users
- Pollution issues within the new play space
- Whether the road crossings would be in place prior to occupation of the dwellings
- Whether the affordable dwellings resembled the market housing
- Traffic calming measures put in place and highway advice
- The information within the update sheet
- Whether 2 bungalows were enough in this location
- Vernacular materials and whether this was compliant with the urban design
- The tandem parking proposed
- Whether the amendments proposed were enough to allow for the approval of the application and whether further negotiation should take place to consider the committee's ongoing concerns.

It was therefore:

**RESOLVED** that the decision on the application be deferred and that delegated authority be given to the Development Management Manager, in conjunction with Members of the Planning Committee to renegotiate with the developer with regard to

the appearance, scale, characteristics, design and density of the scheme and that a meeting take place with the committee, the Planning Officer and the developer to determine the key issues.

Reason – the issues raised previously had not been resolved or addressed.

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

Notes:

- i) Cllrs G Barnell, E J Berry, S J Clist, L J Cruwys, Mrs C P Daw, R J Dolley, C J Eginton, P J Heal, F W Letch and B G J Warren made declarations in accordance with the Protocol of Good Practice for Councillor dealing with planning matters as they had received correspondence from the objectors to the application;
- ii) Cllr B G J Warren made further declarations in accordance with the Protocol of Good Practice for Councillor dealing with planning matters as he had received additional letters as Chairman of the Scrutiny Committee;
- iii) Cllr C J Eginton made further declarations in accordance with the Protocol of Good Practice for Councillor dealing with planning matters as he had received additional letters as Chairman of the Standards Committee;
- iv) Mr Elstone spoke in objection to the application;
- v) Mr Cattermole spoke as the applicant;
- vi) Cllr D J Knowles spoke as one of the Ward Members;
- vii) The following late information was provided:

### **Revised Drawing:**

#### **EV Charging Layout.**

Dwg No: POST-21-04-10 Rev G

**Response:** Revised drawing submitted to reflect a more even distribution across the development. 48 charging points identified: Fourteen (x14) north of Blundell's Road and thirty four (x34) south of Blundell's Road. Please refer to detailed response in Officer report (Para 9.1).

### **Consultee Comments:**

#### **Historic Environment team – 19 October 2021**

Neither an objection nor support for Planning Application 21/00454/MARM:  
A programme of archaeological work is currently on going within the area subject to this reserved matters application in accordance with an agreed written scheme of investigation and, as such, the Historic Environment Team has no comments to make on this current planning application.

**Response:** consultee comments noted. No further action required.

#### **Historic Environment team – 21 October 2021**

Neither an objection nor support for Planning Application 21/00454/MARM:  
While the Historic Environment Team has informally approved the written scheme of investigation prepared by Cotswold Archaeology, and that archaeological works are underway on site, I am unaware that this document has been formally submitted to the Planning Authority to comply with

Condition 15 on the consent granted for the outline application 14/00881/MOUT.

I would be grateful if you could make the applicant aware of the outstanding requirement for the formal submission and approval of the agreed written scheme of investigation to comply with the above mentioned condition.

**Response:** The concerns raised are included as an Informative in the Officer Report. No further action required.

**Tiverton Town Council – 19 October 2021**

The earlier comments previously made by the council remain. Whilst it is appreciated that the developer has made some changes following our recommendations they are fairly minor and many issues have not been addressed. The report submitted by the Tiverton Civic Society which contained many valued points seems to have been mainly ignored. We therefore feel that the developer should revisit the comments and come up with a better amended plan taking those points in to consideration. There would seem to be little if no provision for electric charging points in the large affordable housing block. Can the developer explain the reason for this when we are being pushed towards electric vehicles?

**Response:** revised drawings including (but not restricted to) a revised playing layout, wider distribution of house types, introduction of new house types, enhanced consideration of the Blundell's Conservation Area, introduction of children's play space, change in height, scale and massing of apartment block 2, amended landscape and boundary enclosures, increased depth of landscape buffer south of Blundell's Road, enhanced EV charging provision and changes in the density and distribution of development are a number of changes introduced into the scheme following additional Member and stakeholder consultation. Officers advise that a comprehensive consideration of the overall design, scale and layout has been given.

As regards to EV charging provision the proposed scheme is providing a significant over provision, 32 in excess of policy requirements. Policy DM5 requires infrastructure for electric vehicles to be built into development without specifying its allocation to unit types.

**Tiverton Civic Society – 21 October 2021**

Most of our original objections remain, as well as our statement and question on Affordable housing submitted at the MDDC Planning Committee on July 28<sup>th</sup>. In particular, we emphasise the following points:

- The application remains non - compliant with the NPPF, para 132 relating to early discussion with the local community.

**Response:** Please refer to detailed response in the Officer report to Planning Committee 28th July 2021, section titled Proposed Development, para 9.1.

- The overall distribution of Affordable Housing remains highly unsatisfactory needing to be integrated with the provision of private housing to promote the creation of mixed and balanced communities. Affordable housing should be indistinguishable from market housing in terms of its visual appearance and its location within the development site and should contribute positively to the high-quality urban design of the scheme

**Response:** Please refer to detailed response in the Officer report 3<sup>rd</sup> Nov, para's 5.1 – 5.2.

- Whilst the applicants are correct in stating that the Mid Devon Local Plan Policy DM5 calculates that they are required to provide 16 or 17 electric charging points, and it is gratifying that they are providing 48, surely it would be more sensible with the surge in demand for electric cars and plug-in hybrids, and future developments in the Eastern Urban Extension all being required to provide EV charging points that it is not provided now.

**Response:** the application represents an over provision in policy terms. Please also refer to detailed response in the Officer report 3<sup>rd</sup> Nov, para 9.1.

- The proposed development is a standard design replicated in many parts of the country. The development of 'character areas' and 'heritage ranges' is no substitute for local distinctiveness. The development shows minimal appreciation of the local context.

**Response:** Please refer to detailed response in the Officer report to Planning Committee 28th July 2021, para 3.11.

#### **Consultee Comments:**

The objection letters submitted are available and can be read in full from the Mid Devon District Council Planning portal.

6 x letters of objection. The main points including:

- The linking road (north of Blundell's Road) towers over the garden fence to our property in Pool Anthony Drive. This is a violation of privacy with vehicles looking directly into our property. Without an appropriate barrier the increase in noise will be significant.

**Response:** an acoustic barrier has been constructed in accordance with Application No. 16/01759/FULL. The proposed apartment block (Units 148-156) will act as a visual and noise barrier between vehicles using the linking road and existing properties on Pool Anthony Drive. Officers can advise that vehicles using the linking road, will not be able to achieve direct views into properties on Pool Anthony Drive. The spur to the Left-in-left-out junction will serve vehicles travelling in a west bound direction; no direct views or head lights will be directed towards existing properties on to Pool Anthony Drive. The detailed landscape Plan (Dwg No. edp6162\_d018g, Sheet 2 of 8) identifies a new hedge between apartment block 148-156 and the existing mature boundary on the northern edge of the application site, with 6 hedge species proposed. This will provide additional remediation.

- The car park (associated with Unit No.s 148-156) to the rear of properties in Pool Anthony Drive will, I imagine, also be built up, meaning people can look straight over our garden boundary into our property.

**Response:** Dwg No. Engineering Strategy 15255-hyd-xx-xx-dr-c-3501 Rev PO1 provides details of ground levels. The point of entry into the apartment car park will have limited impact on the privacy of existing properties where the hedgeline between the existing properties and the development site is at its weakest for providing a visual barrier.

- The application does not comply with the policy expectations relating to visitor parking provision. Visitor parking being poorly located.

**Response:** Parking provision complies with policy expectations (Dwg No. POST-21-04-10 G). Please refer to detailed response in the Officer report to Planning Committee 28th July 2021, Para 3.12.

- Tandem Parking spaces does not encourage householders to park on their driveways instead resulting in a higher insistence of on-street parking. Visitor spaces will be taken up by those not parking on their drive.

**Response:** Please refer to detailed response in the Officer report to Planning Committee 28th July 2021, Para 3.12.

- The application does not comply with the Tiverton EUE key design principle relating to the 'centre to edge' and 'garden village' principle.

**Response:** Please refer to detailed response in the Officer report to Planning Committee 28th July 2021, Para's 3.10, 3.18 and 3.19.

- The application does not comply with the Tiverton EUE key design principle relating to character areas; the application artificially creating 5 new character areas.

**Response:** Please refer to detailed response in the Officer report to Planning Committee 28th July 2021, Para's 3.10 and 3.21. Also the Officers report 3<sup>rd</sup> November paras 4.1 – 4.2.

- The application has created high density housing areas in locations that defeat the Tiverton EUE Design Guide expectations.

**Response:** Please refer to detailed response in the Officer report to Planning Committee 28th July 2021, Para's 3.9 and 3.10. Also the Officers report 3<sup>rd</sup> November paras 1.1 – 1.2.

- The applicant has totally removed all cycle lanes.

**Response:** Please refer to detailed response in the Officer report to Planning Committee 28th July 2021, Para's 2.7, 2.8 and 3.7.

- The applicant has created high density housing areas in locations that defeat the Tiverton EUE Design Guide expectations of sympathetic design to existing properties.

**Response:** Please refer to detailed response in the Officer report to Planning Committee 28th July 2021, Para's 3.9, 3.10, 3.16 and 3.17. Also the Officers report 3<sup>rd</sup> November para's 1.1 – 1.2, 2.1 – 2.5, 4.1 – 4.2 and 7.1.

- The applicant has not conformed to the Tiverton EUE Masterplan SPD or Design Guide Key Principles by not following the prescribed process (relating more specifically to the Urban Design and Architectural Principles document and Design Review Panel process); to the detriment in particular to existing residents.

**Response:** Please refer to detailed response in the Officer report to Planning Committee 28th July 2021, section titled Proposed Development, para 1.9, 1.10, 3.2, 3.3, 10.2, 10.3 and section titled Reasons for Approval of permission.

- The applicant has totally removed all provision of on-road parking as detailed in the Tiverton EUE Masterplan SPD and Design Guide failing to encourage walking, cycling and public transport ahead of car use.

**Response:** Parking provision complies with policy expectations providing a majority of on-plot parking (Dwg No. POST-21-04-10 G). Please refer to detailed response in the Officer report to Planning Committee 28th July 2021, para 2.3, 2.7, 3.1, 3.8, 3.12 with regard to the achievement of sustainable development and better places in which to live and work.



- The approach to Blundell's Road from the A361 should be fronted by 2 storey buildings with references in local stone, a wide boulevard with cycle lanes. Taller buildings should be nearer the centre.

**Response:** Hybrid application (14/00881/MOUT) established the width and detail of the A361 and Blundell's Road linking road. This application seeks to establish the form of development either side of the linking road. Please refer to detailed response in the Officer report to Planning Committee 28th July 2021, Para 2.7 that sets out the principles of development, para 3.8 establishing a hierarchy of streets and para 3.21 for negotiated amendments to this part of the development.

- The EUE Design Guide references the creation of green boulevards, street trees and on secondary streets on-street parking.

**Response:** Applications 14/00881/MOUT and 21/00374/MARM relate to the development of the green boulevards. Please refer to detailed response in the Officer report to Planning Committee 28th July 2021, para 2.7 that sets out the principles of development, 3.22 for street trees and para 3.12 for parking provision and policy compliance.

- Page 53 of the EUE Design Guide describes the approach to the intersection between Blundell's road and the new boulevards as 'a distinctive and high quality urban plaza' with central open space. The proposal materially compromises what was originally intended.

**Response:** Page 53 of the EUE Design Guide is referring to the neighbourhood centre; a part of the EUE that does not form part of this application area and will be addressed through a future application.

- A children's playground has been sited bang next to a noisy, busy and possibly treacherous main road, the volume of which will only increase dramatically with the arrival of further housing in subsequent years. Play zones should be friendly, safe, accessible and integral to the livelihoods of young children.

**Response:** Please refer to detailed response in the Officer report to Planning Committee 3<sup>rd</sup> Nov para 6.1. Also the Officer report to Planning Committee 28th July 2021, para 3.7 and the Tiverton EUE Masterplan SPD that identifies as part of the phased development of the EUE, multi-functional community hubs.

- It is disappointing beyond belief that cycle lanes are not included in the main boulevard. Cycle lanes should connect all areas and reach the employment centre. Tiverton has some areas of cycle lanes but there needs to be a more consistent strategy.

**Response:** Applications 14/00881/MOUT and 21/00374/MARM relate to the development of the green boulevards. Please refer to detailed response in the Officer report to Planning Committee 28th July 2021, para's 2.7 - 2.9 and 3.7.

- Why are solar panels and heat pumps not being installed as part of the development? Why is this development using gas overall for its energy?

**Response:** Please refer to detailed response in the Officer report to Planning Committee 28<sup>th</sup> July, para 3.27 referring to the fabric first approach. Also the Officer report for 3<sup>rd</sup> Nov, para 9.1.

- We need to create environments for the future which foster mental health, protect biodiversity, maximise sustainability, promote heritage value and consequently encourage strong communities that put welfare and community at the forefront.

**Response:** Please refer to the Officer report to Planning Committee 28<sup>th</sup> July that seeks to confirm the comprehensive approach to development, including recognition of future phases of development that will deliver community facilities in the form of a community centre and country park.

- The self-build homes (outside the application area, north of Blundell's Road) should have a service road from the rear.

**Response:** Please refer to the Officer report to Planning Committee 3<sup>rd</sup> Nov para 10.1

- There is a lack of provision for children to cross the main roads to the primary school.

**Response:** Devon County Council in approving the technical drawings for the linking road (north of Blundell's Road), the planning application for the primary school, the spine road (south of Blundell's Road) and Phase 2 traffic calming measures (Blundell's Road / Post Hill) will all address this issue.

- Two bungalows to the rear of existing properties south of Blundell's Road is not enough.

**Response:** Please refer to the Officer report to Planning Committee 3<sup>rd</sup> Nov para 7.1.

- The existing properties, south of Blundell's Road will lose their southern vistas. This is inequitable.

**Response:** the application site is an allocated site with outline planning consent. Please refer to the Officer report to Planning Committee 28<sup>th</sup> July, Para 3.16. Also the Officer report to Planning Committee 3<sup>rd</sup> Nov para's 2.1 – 2.5.

- Why have normal working hours been agreed with a 7.30 start; earlier than other sites?

**Response:** Condition 14 of application 14/00881/MOUT has not been discharged confirming hours of work.

### Updated Reports

Two updated reports have been received – amended to reflect the updated Detailed Landscape Design referenced in the Officer's report at 'Applicant's Supporting Information'. The updated reports include the:

Habitat Assessment and Mitigation Plan  
(211029\_P1046\_Habitat\_Assessment\_and\_Mitigation\_Plan – Finalv2  
Dated November 2021); and

Landscape and Management Plan (edp6162\_r005e, Dated November 2021)

**Response:** The updated Habitat Assessment and Mitigation Plan and Landscape and Management Plan do not have a material effect upon the measures and recommendations of the documents; simply for consistency that they reflect the latest landscape details.

## Updated Reports

Two updated reports have been received – amended to reflect the updated Detailed Landscape Design referenced in the Officer's report at 'Applicant's Supporting Information'. The updated reports include the:

Habitat Assessment and Mitigation Plan  
(211029\_P1046\_Habitat\_Assessment\_and\_Mitigation\_Plan – Finalv2  
Dated November 2021); and

Landscape and Management Plan (edp6162\_r005e, Dated November 2021)

**Response:** To reflect the updated reports the reference numbers within Condition 11 also require updating. The revised wording for Condition 11 is proposed as follows:

No development shall take place on the site except in accordance with the details set out within the submitted Landscape Management Plan (November 2021; edp6162\_r005e) and Habitat Assessment and Mitigation Plan (November 2021; 211029\_P1046\_Habitat\_Assessment\_and\_Mitigation\_Plan - Finalv2). The recommendations in the Landscape Management Plan (June 2021) and Habitat Assessment and Mitigation Plan (March 2021) shall be adhered to throughout the construction period and the development shall be operated thereafter only in accordance with the management provisions set out within them.

### ***c) Application 21/01458/FULL – Erection of single storey extension to care home – Ashdowne Care centre, Ashdowne House, Orkney Mews, Tiverton)***

The Interim Area Team Leader outlined the application by way of a presentation highlighting the proposal along with a site location plan, block plan, an aerial image, existing and proposed elevations and floor plans, the proposed extension to the floorplan and roof plan and photographs from various aspects of the site.

He explained that there was historic concern with regard to parking in the area, however the proposal had not sought additional bed space and therefore did not require additional parking.

Addressing the questions raised during public question time, he provided the following responses:

- Concern with regard to compliance with Policy DM5, the response of the Highway Authority had been that as there were no additional beds proposed then there was no need for additional parking
- Concerns that the existing rooms could be converted into bed space – that was beyond the control of the LPA
- The location of the portacabin and that it's siting could no longer be enforced against
- The meaning of conditions; he explained what conditions could cover



- The Tree Officer had considered the quality of the hedgerow and that tree protections plans would be put in place
- The impact of the proposal, now that this was a single storey application, there would be little impact on local residents
- Access and safety and further parking concerns, the proposal would not increase the traffic in the area
- With regard to access for construction – this had previously been via Shakespeare Close and would be detailed in a Construction Management Plan, required by condition

Consideration was given to:

- The views of the objector with regard to the serious traffic situation during the previous extension, the size of the development and emergency vehicle access, parking provision for staff, the issues with the turning bay and that residents had tried to protect their properties; how the site had been developed over the last 20 years and that the site was becoming overdeveloped.
- The views of the agent with regard to the lack of concern by the Highway Authority, his client had considered the comments of concern, there would be no additional bed space and no extra parking spaces required.
- The views of the representative from Tiverton Town Council with regard to her knowledge of working in the care industry, the collective concerns of residents, overdevelopment of the site; concerns with regard to access and turning, the proposal would take away some of the existing parking on the site and the lack of rear access to the site
- The views of the Ward Members with regard to the impact of the proposal on neighbouring residents, whether the proposal conflicted with planning policies; parking issues in the area, whether the site had been overdeveloped and the need for an appropriate Construction/Environmental Management Plan; insufficient parking and the need to stop developing the site further.

Discussion took place regarding:

- Concerns with regard to parking provision
- The siting of the portacabin and if planning permission was granted whether the applicant would remove it?
- The extension details and whether existing rooms would be used for bed space
- Items (g) and (j) within Condition 3
- How the extension would be constructed with no access to the rear of the site
- The number of extensions
- Whether Policy DM5 did apply to the proposal
- Overdevelopment of the site
- The lack of control with regard to the number of beds

**RESOLVED** that Members were minded to refuse the application and therefore the decision be deferred for the receipt of an implications report to consider reasons for refusal with regard to over development of the site and that the application did not comply with Policy DM5

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

Notes:

- (i) Cllrs G Barnell, E J Berry, S J Clist, L J Cruwys, Mrs C P Daw, R J Dolley, C J Eginton, P J Heal, F W Letch and B G J Warren made declarations in accordance with the Protocol of Good Practice for Councillor dealing with planning matters as they had received correspondence from the objectors to the application;
- (ii) Cllr Mrs C P Daw declared a personal interest as she had provided training to the care home in the past;
- (iii) Cllrs B G J Warren and R J Dolley made further declarations in accordance with the Protocol of Good Practice for Councillor dealing with planning matters as some of the objectors were known to them;
- (iv) Cllr Mrs F J Colthorpe made a further declaration in accordance with the Protocol of Good Practice for Councillor dealing with planning matters as the site was within her previous county division;
- (v) Cllr L J Cruwys declared a personal interest as the objectors were known to him, his mother had been a patient and he used to be an ambulance driver;
- (vi) Cllr Mrs F J Colthorpe requested that her vote against the decision be recorded;
- (vii) Mrs Jenner spoke as the objector
- (viii) Mr Archer spoke as agent
- (ix) Cllr Mrs Harrower spoke on behalf of Tiverton Town Council;
- (x) Cllrs B Holdman and Mrs E Slade spoke as Ward Members.

***d) Application 21/00152/FULL Change of use from place of worship to residential dwelling together with external alterations– Gospel Hall, Peter Street, Bradninch)***

The Interim Area Team Leader outlined the application by way of a presentation highlighting the site location, an aerial view of the site, existing and proposed front and rear elevations, the upper roof space and how it would be utilised, the views of the Conservation Officer who had no objection but had raised the issue of the paraphernalia on the roof and how that could be managed by condition, the proposed ground and top floor plans and photographs from various aspects in the area including the street scene.

Consideration was given to:

- The views of the objector with regard to inappropriate development in a conservation area, the current street scene of small cottages and terraces; the impact of the glass box on the roof and how visual that would be; strong objections from neighbouring properties with regard to the misuse of the roof, overdevelopment of the site and concern with regard to further development in the conservations area; parking in the area and that the property was unsuitable for a residential dwelling
- The views of the applicant who had previously converted a chapel, the fact that they had worked closely with the Conservation Officer on the project, the

need to preserve some of the original features of the building, the roof would be a private amenity space and not a party area

- The views of the Ward Member with regard to supporting the views of the objectors; the fact that the roof terrace was not appropriate and out of place, that the design was not in keeping with the built environment and there were parking issues in the area

Discussion took place regarding:

- If the building were to be demolished would the site become infill and then another dwelling be applied for
- The building would go into disrepair if not used
- Whether the building was out of place within the current street scene in its current form
- The garden roof could be a great innovation
- What other use would be suitable here and not require parking

**RESOLVED** that planning permission be granted subject to conditions as recommended by the Interim Development Management Manager.

(Proposed by Cllr E J Berry and seconded by Cllr R J Dolley)

**Reason for the decision:** As set out in the report.

Notes:

- (i) Cllrs G Barnell, E J Berry, S J Clist, L J Cruwys, Mrs C P Daw, R J Dolley, C J Eginton, P J Heal, F W Letch and B G J Warren made declarations in accordance with the Protocol of Good Practice for Councillor dealing with planning matters as they had received correspondence with regard to the application;
- (ii) Mr Andrews spoke in objection to the application;
- (iii) Mrs Schamroth spoke as applicant;
- (iv) Cllr L D Taylor spoke as Ward Member.

***e) Application 21/01079/FULL Change of use of land for the siting of a temporary worker's dwelling –(log cabin) for 3 years – land at NGR 316266 116080 (Poachers Rest – Clayhidon)***

The Consultant Development Management Officer outlined the application by way of a presentation highlighting the reason for the call in, the number of consultees, the concerns of development within the AONB, the views of the Economic Development Officer, the objections and support for the application, the previous scheme which had been refused, the detail of Policy DM8, whether there was an essential and functional need. He also highlighted recent appeal decisions which were relevant to the application and the criteria to be considered for a mobile unit, also the business plan for the proposal. He reported that he had considered the impact of the development on the AONB and considered drainage and highway/access issues.

Providing responses to questions posed in public question time:

- He informed the meeting that the Economic Development Officer had not stated that he was doubtful,
- Occupation of the site would assist business use
- He had not checked the 4G but had considered the availability of rented property in the locality and that all relevant information presented has been considered.
- With regard to the views of the AONB and Economic Development Officer, he had not discounted this information but had reached a different conclusion.
- The ratio of income generation was approximately 30:70 agriculture to equine
- Enforcement investigation on the site was live and that if the application was approved it would regularise the situation

He also referred to an amendment to Condition 4 with regard to the occupation of the dwelling.

Consideration was given to:

- The views of the Objector with regard to the harm that the development would have on the landscape, the economic development did not out way the harm, the views of the Economic Development Officer was not clear, the small number of livestock on the property, that there was no evidence of rehabilitation of horses and that the development would set a precedent on the AONB
- The views of the Parish Council with regard to the essential need for a full time worker to live on the site, the views of the Economic Development Officer was not clear, there were 16 properties available within 5 miles of the site and whether any of the evidence had been verified by an agricultural expert
- The views of the Ward Member with regard to the difference between a log cabin and a mobile home, the live enforcement cases, the different regulations in place for the AONB and whether the application was contrary to Policy DM8

Discussion took place regarding:

- What would happen after 3 years and how much weight should be given to the letters of support
- The log cabin was a serious investment for a temporary dwelling
- If horses were present then 24 hour care was needed
- The response of the Economic Development Officer and the representative of the AONB

**RESOLVED** that planning permission be granted subject to conditions as recommended by the Interim Development Management Manager with an amendment to Condition 4 to state that: The occupation of the dwelling shall be limited to a person solely or mainly employed in connection with the operation of the agricultural or equestrian business at Poacher's Rest, or a widow or widower or surviving civil partner of such a person, and to any resident dependants.

Reason (same): In the interests of residential amenity, in accordance with policy DM1 of the Mid Devon Local Plan 2013 and the aims and objectives of the National Planning Policy Framework.

(Proposed by Cllr R J Dolley and seconded by Cllr E J Berry)

(Vote 5 for; 4 against)

**Reason for the decision:** As set out in the report.

Notes:

- (i) Cllrs G Barnell, E J Berry, S J Clist, L J Cruwys, Mrs C P Daw, R J Dolley, C J Eginton, P J Heal, F W Letch and B G J Warren made declarations in accordance with the Protocol of Good Practice for Councillor dealing with planning matters as they had received correspondence with regard to the application;
- (ii) Cllr S J Clist made a further declaration in accordance with the Protocol of Good Practice for Councillor dealing with planning matters as the Parish Councillors and objectors were known to him;
- (iii) Mr Carter spoke in objection to the application;
- (iv) Mrs Evans spoke on behalf of the Parish Council;
- (v) Cllr S J Clist spoke as Ward Member;
- (vi) The following late information was reported: Public Health withdraw their holding objection with regard to drainage now a package treatment plant is proposed.

***f) Application 21/00887/FULL - Erection of 5 dwellings with associated works following demolition of existing agricultural building – land at NGR 278841 104538 (Linscombe Farm), New Buildings, Sandford***

The Principal Planning Officer outlined the application by way of a presentation highlighting the site location plan, the history of the site with regard to the Class Q application for conversion that had been granted, the 3 dwellings approved as a fall back in 2019 and the current application. He identified the square meterage of floor space for each application and the case law deemed to be useful guidance. He felt that the proposed development was not considered to be appropriate or acceptable and that it was not betterment to the original scheme that had been granted permission.

The meeting viewed the aerial view of the application site, the block plan, proposed elevations, ground floor plans, an illustrative perspective of the site and photographs from various aspects of the site. The officer also explained that Class Q did have limits and that the proposal was over the Class Q limit.

Providing a response to a question posed in public question time with regard to policy, he stated that there was no specific policy but that there was a need to consider betterment.

Consideration was given to:

- The views of the applicant with regard to the need to address the climate emergency, the biodiversity gains of the scheme, the decrease in energy proposed, there would be more habitat for wildlife, that the proposal was betterment and that the development was sustainable.
- The views of the Ward Members with regard to the need to encourage development such as this, the biodiversity net gain which would be established, the need to encourage small scale development and the lack of current policy for being carbon neutral. The history of the site, the lack of objection from the Parish Council, what would happen to the site if it was not developed and the need to consider the sustainable development proposed.

Discussion took place regarding:

- The absence of a S106 agreement – which would be considered if the application was approved
- Whether the application was stretching the Class Q status
- Anyone could progress the tree planting
- Whether the proposal was an example for the future.

**RESOLVED** that planning permission be granted and that delegated authority be given to the Interim Development Management Manager to progress a set of conditions to include a S106 agreement.

Reason for approval - that this was suitable use of the land, it was an imaginative and eco-friendly development which should be encouraged.

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

Notes:

- (i) Cllrs E J Berry, S J Clist, L J Cruwys, Mrs C P Daw, P J Heal, F W Letch and B G J Warren made declarations in accordance with the Protocol of Good Practice for Councillor dealing with planning matters as they had received correspondence with regard to the application;
- (ii) Ian Russell spoke as the applicant;
- (iii) Cllrs Mrs E Lloyd and Mrs M E Squires spoke as Ward Members;
- (iv) Cllr B G J Warren requested that his vote against the decision be recorded;
- (v) Cllr Mrs C P Daw requested that her abstention from voting be recorded.

## 118 MAJOR APPLICATIONS WITH NO DECISION

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

It was **AGREED** that: application 21/02014/MARM – land north of Putson Road Cottages, Blundells Road, Tiverton be brought before the Committee for determination and that a site visit take place.

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

## 119 PLANNING PERFORMANCE REPORT

The Committee had before it, and **NOTED**, a \*report of the Interim Development Management Manager which outlined the performance aspects of the planning function.

The officer explained the statistics and informed the meetings that the planning team were doing very well, she highlighted the speed and quality of decision-making, the current staffing issues; the work of the enforcement and building control teams and that the authority was joint second in comparison to those other authorities in the south west.

Members recorded their congratulations for the work that was taking place.

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

(The meeting ended at 8.15 pm)

**CHAIRMAN**

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## **MID DEVON DISTRICT COUNCIL**

**MINUTES** of a **MEETING** of the **PLANNING COMMITTEE** held on 1 December 2021 at 2.15 pm

### **Present**

#### **Councillors**

P J Heal (Chairman)  
G Barnell, E J Berry, S J Clist,  
Mrs F J Colthorpe, L J Cruwys, R J Dolley,  
F W Letch, B G J Warren, Mrs C Collis and  
B A Moore

### **Apologies**

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

Mrs C P Daw and C J Eginton

### **Also Present**

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

R L Stanley

### **Present**

#### **Officers:**

Richard Marsh (Director of Place), Karen Trickey (District Solicitor and Monitoring Officer), Maria De Leiburne (Operations Manager Legal and Monitoring), Dean Emery (Corporate Manager for Revenues, Benefits and Recovery), Angharad Williams (Interim Development Management Manager), Adrian Devereaux (Area Team Leader), Myles Joyce (Consultant Development Management Officer), John Millar (Acting Area Team Leader), Sally Gabriel (Member Services Manager) and Carole Oliphant (Member Services Officer)

## **120 APOLOGIES AND SUBSTITUTE MEMBERS (0.03.59)**

Cllrs Mrs C P Daw and C J Eginton gave apologies and were substituted by Cllrs Mrs C Collis and B A Moore respectively.

## **121 PUBLIC QUESTION TIME (0.04.28)**

**Cllr B Holdman** referring to item 8 (Ashdowne Care Home) on the agenda stated:

The applicant has created a new tarmacked parking provision within the last 12 months that would be buried underneath the proposed extension. This is not some rough patch of grass that is used for occasional overflow parking – this is a dedicated extension of their on-site parking that the applicant created only recently because they themselves are frustrated by the lack of parking on the site.

Mr Millar has given his opinion in the implications report that as there are no new bedrooms in the extension itself then our adopted local plan policy DM5 – which sets out the required minimum parking provision for the entire development– does not need to be considered.

When I spoke before you 4 weeks ago I argued that opinion was not backed up by evidence (or to use the agent's own words: it was unreal) and I still disagree with that opinion.

How can it possibly be correct that removing existing parking provision from the site still does not create a justifiable reason to refuse under policy DM5?

Our local plan sets out how this authority intends to manage the development of Mid Devon. Its policies need to be applied fairly without fear or favour, or not at all. And yet members often find themselves here disagreeing with how the officers have interpreted parts of the plan one way or another in order to justify decisions that on the face of it go against those policies, or stretch them extremely thinly.

Can Mr Millar or another officer please explain why policy DM5 won't apply when they are removing existing car parking provision?

**Dr Bratby**, referring to item 1 on the plans list stated that ;

Every independent observer considers that the storage of fuel to burn in a power station (and that is exactly what this application is) is an industrial facility. It does not matter what type the fuel is, where it comes from or where it is stored. In 2018 your then planning officer repeatedly told the applicant this, stating that the whole planning team agreed that it was industrial. However, on the 8th January 2019 the planning officer stated that she had "received detailed legal advice on the use of the proposed silage clamp and consequently am willing to accept that the proposed use can be classified as agricultural". The officer's report before you today states that "the officers consider the application to be agricultural". So this is just an opinion of the officers.

Where is this detailed legal advice documented? What exactly does it say? Why has it been kept secret from the public for nearly 3 years? We all know that there are two sides to every legal issue. So I am asking that this legal advice is made public today, so that before making a decision, the public can see the advice and the committee can decide for itself that this is an industrial facility that should not be built on agricultural land?

The officer's report today states that HGVs would transport the silage from the site to the AD plant at Willand. What more evidence do you need to demonstrate that the use of the proposed clamp is industrial?

The minutes of the meeting of 17th June 2020 (incorrectly given in the officer's report as 3rd June 2020) stated that the report should answer the question "Where was the legal advice sought from as stated on 4th February 2020"? I believe this should be 8th January 2020. Why has the officer's report before you not answered this question?

**Mrs Patricia Parsons** referring to Item 8 on the agenda (Ashdowne) stated: I am confused as to why the applicant is claiming that the proposal will not change the parking provision needed on the site. The proposed extension of the existing kitchen will necessarily remove an existing parking provision that is in regular use by staff of the home, including at times the home's management. This parking provision is shown on the plans the applicant submitted, including on the existing parking plan submitted on 11 August 2021, however for some reason it has not been labelled as being used for parking.

I have a number of photographs showing this that I am happy to share with the chair if he so wishes.

I would like to ask if the committee and the planning officers have considered whether the removal of this parking provision would substantiate a reason for refusal on the grounds of non-compliance with Local Plan Policy DM5, on the basis that the proposal will generate need for additional parking provision to be made to offset that which it removes. If it does not, then what is to stop an applicant from later removing every parking provision on a site to repurpose it under permitted development rights?

The Chairman read a statement from **Mr Parry** again referring to Ashdowne Care Home: Adopted Policy DM5 opens with the following statement: "Development must provide an appropriate level of parking, taking into account:

- a) The accessibility of the site, including the availability of public transport; and
- b) The type, mix and use of development".

It goes on to set out in detail the minimum required parking provision for different classes and uses of development. It has previously been acknowledged by this committee that the parking provision on the site is not just inadequate but barely meets 20% of the minimum under this policy.

Indeed, that inability for the applicant to meet the requirements set out in the Local Plan may have played a part in the original application being revised down to remove additional bedrooms in order to persuade the Highways Authority to withdraw their objection. That is, of course, my conjecture, and the applicant's right to do so in any case.

I understand from the Planning Officer's most recent report that he believes that non-compliance with Local Plan Policy DM5 cannot be considered unless this committee can substantiate that the proposal will generate need for additional parking provision to be made.

I have read Policy DM5 paragraph 4.19a, it appears to state that the figure calculated to be about 60 parking spaces is calculated from the demands of the entire site. It states that the remaining parking provision (and more if preferred) should be distributed appropriately throughout the development. I am unable to locate where it states it should not apply when an application

excludes bedrooms, particularly when staff and visitors will still need to park, but nonetheless, I understand that is the position of your officers.

Questions 1 and 2 are to the officer who prepared the report – why is it your opinion that DM5 should not apply to this application? And does the revised lack of objection from the Highways Authority after the proposal was revised impact on your opinion, and is so, where is that to be considered under Mid Devon's adopted policy?

Question 3 – is to the committee – do you consider that the removal of the existing parking provision that will be lost under the new kitchen extension generates the need for additional parking provision to be made under the local plan? Finally, if not, please can you justify why the loss should be disregarded?

The Vice Chairman read a statement from **Mr Parsons** again referring to Ashdowne Care Home – I have concerns about the ability of the care home complex to safely evacuate in the event of a fire, gas leak, or similar mass evacuation event where speed and safety are critical.

At present the space along the east facing line of the building provides access from and into the rear of the home, and directly services a number of emergency exits. I have spoken with an active firefighter and in the event of a fire, this is the likely route that the firefighters would take to access the property.

The proposed new line of the building reduces the available space from 4.5 metres to 1 metre alongside the hedge. Whilst you can just about get a single wheelchair through that space to safely access the footpath in an emergency, you would struggle to get a bed through it, and it would be one way traffic only.

Equally concerning is the reduction of the footpath in front of the main entrance from 2.25 metres to just 35 centimetres. There is no way that an able bodied person can safely navigate from the main entrance to the public footpath serving the home without walking onto the public highway. If vehicles continue to park there then there will be no access at all. Even if a wheelchair user were able to park safely within the limited Ashdowne car park, they would still need to access the main entrance via the public highway as the existing off road access would be removed by the location of new roof support pillars. During an active emergency up to 60 vulnerable residents will need to be left on the public road and footpaths amongst fire engines, ambulances and other large vehicles as there would be no safe space to hold them. My question is – have the applicant and the committee considered the safety concerns created by removing the egress route along the east of the site?

The Chairman read a statement from **Mr and Mrs Roberts** again referring to Ashdowne Care Home: This proposal creates additional office space. The applicant's builders are currently on site and I have been told they are building out new amenity space. In the implications report the officer writes that the recently provided floor plans demonstrate the building has no space for further internal development. Yet surely if space can be found for new amenity

usage, a small portacabin sized space can be found for office or administration needs?

Can you commit to removing the portacabin on the car park that has long exceeded its temporary planning permission (and any enforcement action). I understand it is being used as office space. It should be possible to accommodate it internally alongside all these new bedrooms and amenity space being created over the past few years.

The Chairman read a statement from **Mrs Wood** again referring to Ashdowne Care Home: she thanked the officers for answering the questions about the CEMP (Construction Environment Management Plan) when this was last before the committee on 3 November. Sadly, I remain wholly unconvinced at the applicant's ability to meet the requirement such a plan would impose, nor of this planning authority's ability to enforce them given the likely 6-8 week development period needed and the public interest test.

My concerns are based on the past activities of the applicant and their construction contractors who have shown poor regard for mitigating disruption to the public highway and neighbouring residents; and that the only effective enforcement remedy available to the council is to ask for any deviation to be stopped. By the time any action is issued, and representations and appeals discussed, the works will be complete and the CEMP could be proven worthless and a waste of many good officers time.

I do appreciate that scenario is entirely conjecture at this point, and I dearly hope that should the application be approved then the applicant will work diligently to follow the CEMP – and ensure their contractors do too. However, even over the last few weeks since the committee meeting on 3 November, the applicant has instructed construction works on the site and allowed the contractors to double park on the public highway fully blocking the turning head. At the same time as the applicant's agent was sending emails to your officers disputing the sanity of this committee, the applicant's contractors were actively engaging in the very activities that the CEMP would aim to prevent. It would appear they care the same for this committee as they do the residents.

My question is perhaps better asked to the officers rather than the committee members – what realistic enforcement actions would you be able to take to ensure compliance with an agreed CEMP and what are the timescales involved?

The Chairman read a statement from **Mrs Day** again referring to Ashdowne Care Home: after it was clear the original planning application with additional bedrooms was going to be refused, the applicant and their agent delayed and submitted revised plans removing the bedrooms. The applicant has indicated that the kitchen that would be extended is a secondary serving room rather than a full kitchen where the additional space would be productive. The office area is reconfigured but largely of a similar volume and the covid secure visiting pod could easily be sited internally by extending the lobby back to the existing store room. The only productive space being created by this proposal is the treatment room. Can the officers please confirm how they will ensure the proposed condition to prevent the use of this new room as a future

bedroom will be enforced more rigorously than the temporary planning permission for the now permanent portacabin was?

**Mrs Jenner** again referring to Ashdowne Care Home stated that on the most recent care home floor plans sent by the agent to your officers, you will see that the dining room has been cut in half with two large bedrooms created in that space (labelled bedrooms 12 and 13). These do not appear on previous plans and have sprung up alongside the original application being revisited to remove any bedrooms.

Whilst it is within the rights of the applicant to repurpose and redevelop the existing property as they see fit (at least as regards the planning process) it does appear that these changes might have been made after the understanding that permission to create those same bedrooms in the new building would be refused.

I understand that your officers have proposed a condition that no part of the new building can be used as a bedroom in the future. However, this is a business that only makes money from bedrooms, these alterations need to be paid for.

My question is – given that you have indicated you cannot set any conditions on the use of the existing property, and given the recent history of development on the site gets around such conditions (intentionally or otherwise), how can you prevent the new treatment room being turned into a lounge or dining room area and the equivalent space elsewhere on the site being converted into yet another two bedrooms?

The Vice Chairman read a statement from **Mr Wood** again referring to Ashdowne Care Home: At the last meeting on 3 November, the residents handed in two petitions in objection to the Ashdowne Care Home application. Please can the Chairman confirm he has received these petitions and if not ask members services to make them available.

The Chairman confirmed that the petitions had been received alongside a document received that day.

The Chairman announced that answers to the questions would be provided when the item was discussed.

## 122 **DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT (0.26.49)**

The following interests were declared:

| Application Number | Member                                                                                                                     | Type of Interest Declared                                               | Reason                                 |
|--------------------|----------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------|----------------------------------------|
| 18/0174/MFUL       | 1. Cllr P J Heal<br>2. Cllr G Barnell<br>3. Cllr E J Berry<br>4. Cllr S J Clist<br>5. Cllr Mrs C Collis<br>6. Cllr Mrs F J | Protocol of Good Practice for Councillors dealing with Planning Matters | Correspondence received from objectors |



|               |                                                                                                                           |                                                                         |                                        |
|---------------|---------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------|----------------------------------------|
|               | Colthorpe<br>7. Cllr L J Cruwys<br>8. Cllr R J Dolley<br>9. Cllr F W Letch<br>10. Cllr B A Moore<br>11. Cllr B G J Warren |                                                                         |                                        |
| 18/0174/MFUL  | 1. Cllr B A Moore                                                                                                         | Personal                                                                | Ward member                            |
| 20/01458/FULL | 1. Cllr Mrs C Collis<br>2. Cllr Mrs F J Colthorpe<br>3. Cllr G Barnell<br>4. Cllr L J Cruwys<br>5. Cllr B G J Warren      | Protocol of Good Practice for Councillors dealing with Planning Matters | Correspondence received from objectors |
| 16/01707/MOUT | 1. Cllr S J Clist                                                                                                         | Disclosable Pecuniary Interest                                          | Related to applicant                   |

### 123 MINUTES OF THE PREVIOUS MEETING (0.27.15)

The minutes of the meeting held on 3<sup>rd</sup> November 2021 were agreed as a true record and duly **SIGNED** by the Chairman.

### 124 CHAIRMAN'S ANNOUNCEMENTS (0.28.30)

The Chairman reminded Members of a briefing taking place on Monday 6<sup>th</sup> December and requested that every effort be made to attend.

### 125 DEFERRALS FROM THE PLANS LIST (0.28.45)

A decision on 21/00782/FULL | Siting of a temporary rural workers dwelling (mobile home) | South West Game Birds Crediton Devon was withdrawn

### 126 THE PLANS LIST (0.29.13)

The Committee considered the applications on the \*Plans List

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

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

The Consultant Development Management Officer outlined the application by way of a presentation which highlighted the site location, larger farm plan, reasons for deferral, block plan, silage clamps and elevations.

The Officer explained that since the previous application the Mid Devon Local Plan had been adopted, legal advice had been received and that an updated transport assessment had been received.

In response to public questions he stated:

- The legal guidance that the application was agricultural
- The committee were informed that the legal advice received was privileged.

Consideration was given to:

- The views of the Ward Member who felt that for transparency that the application should be refused and determined by the Planning Inspectorate at appeal as he had concerns over the integrity of the applicant
- Members views that if more silage product was permitted on site it would cause an increase in traffic movements to and from the site
- The removal of soil to create the clamp was controlled by conditions 13 and 14
- As the development was on uncultivated land an ecological assessment was not required
- Previous alleged pollution incidents by the applicant were not a material planning consideration
- That the end use of the silage, whether this was for livestock or as a fuel for an anaerobic digester was not a material planning consideration
- Members views that the end product of many agricultural practices ended up in an industrial process but this did not conclude that the operation to produce the product was also industrial
- The legal advice provided which confirmed that the operation was agricultural
- Members concerns that the type of material stored in the clamp and where it had come from needed to be tightly controlled by conditions

**RESOLVED** that planning permission be granted as recommended by the Consultant Development Management Officer subject to conditions and that delegated authority be given to the Interim Development Management Manager in consultation with the Chairman and Ward Members to amend Condition 11 to limit the source of and the type of material permitted to be stored in the clamp.

(Proposed by Cllr B A Moore and seconded by Cllr Mrs F J Colthorpe)

**Reason for the decision:** as set out in the report

Note:

- (i) Cllrs S J Clist, L J Cruwys, R J Dolley and B G J Warren requested that their vote against the decision be recorded
- (ii) Cllrs G Barnell and F W Letch requested that their abstention from voting be recorded
- (iii) Cllr R J Stanley spoke as Ward Member

## 127 **APPLICATION 20/01458/FULL - ASHDOWNE CARE CENTRE, ASHDOWNE HOUSE, ORKNEY MEWS, TIVERTON (1.41.00)**

At the meeting of 3<sup>rd</sup> November 2021, the Committee were minded to refuse the application and requested that an \*implications report be produced to consider the reasons for refusal.



The Interim Area Team Leader recapped on the history of the application and the previous reports that the committee had considered and the reasons for deferral.

The County Councillor had updated officers that the request to provide yellow lines was being progressed at County level.

In response to public questions he stated:

- Only internal plans for the Pinnex unit were required for this application
- The existing kitchen would remain in place
- The applicants agent had confirmed that the proposed extension did not encroach onto a designated parking space and therefore no parking would be removed
- In his opinion Policy DM5 did not apply as the extension would not create any additional traffic on the site

Consideration was given to:

- The need to focus on any real need to increase parking for the use for the facility proposed
- Members views that the proposal may increase traffic movements due to other rooms in the centre being converted to additional bedrooms

**RESOLVED** that planning permission be refused contrary to Officers recommendation for the following reason:

The proposed development would comprise over development of the site and an intensification in use of Pinnex Moor House, leading to increased levels of traffic. Taking into account the under provision of car parking facilities on site, and the restricted width of the public highway, this intensification of use will lead to increased likelihood of parking on the public highway, which would create a severe impact on the highway network. The development is therefore considered to be unacceptable and contrary to policies DM3 and DM5 of the Mid Devon Local Plan 2013-2033.

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

Notes:

- (i) Cllrs Mrs F J Colthorpe, P J Heal and B A Moore requested that their vote against the decision be recorded
- (ii) In the event of an appeal it was agreed that G Barnell, S J Clist and L J Cruwys would defend the decision
- (iii) \*implications report previously circulated and attached to the minutes

**128 16/01707/MOUT - MODIFICATION TO THE S106 PLANNING OBLIGATIONS - LAND AT NGR 295527 113644 (SOUTH OF LEA ROAD, TIVERTON) (2.05.04)**

The Committee had before it a report of the Interim Development Management Manager presenting a modification to the S106 planning applications for the above application following conclusions of a Financial Viability Assessment (FVA).

The Area Team Leader explained the outline permission already approved and the S106 conditions attached to that. He explained that a Financial Viability Assessment had been conducted that had concluded that the site was no longer viable for development with the existing S106 obligations attached to it.

Consideration was given to:

- The views of the agent who stated that although the site had been extensively marketed that it had been difficult to sell due to the S106 agreement in place and that the site as was could not sustain the amount of affordable housing required. He further explained that the site would still contain an element of open market low cost housing

Members were disappointed that the affordable housing element of the S106 obligations would now not be delivered but were assured by Officers that further FVA's would be conducted as the site progressed to see if any S106 monies could be collected, if the site became viable.

**RESOLVED** that the changes to the S106 agreement be supported as recommended

(Proposed by Cllr E J Berry and seconded by Cllr R J Dolley)

**Reason for the decision:** In order for this site to be developed for housing, a policy compliant scheme would not be possible based on the evidence submitted and assessed.

Note:

- (i) Cllr Mrs C Collis requested that her vote against the decision be recorded
- (ii) Cllr S J Clist had declared a Disclosable Pecuniary Interest as he was related to the applicant and was not present for the deliberations or vote
- (iii) Mr Preston spoke as the Agent
- (iv) \*report previously circulated ad attached to the minutes

## 129 **MAJOR APPLICATIONS WITH NO DECISION (2.33.45)**

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

It was **AGREED** that: application 21/02137/MFUL - Land and Buildings at NGR 302094 104175 Westcott Park Westcott be brought before the Committee for determination and that a site visit take place.

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

## 130 **APPEAL DECISIONS**

The Committee had before it, and **NOTED**, a \*list of appeal decisions

Noted: \*List previously circulated and attached to the minutes

(The meeting ended at 5.04 pm)

**CHAIRMAN**

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## **MID DEVON DISTRICT COUNCIL**

**MINUTES** of a **MEETING** of the **LICENSING COMMITTEE** held on 3 December 2021 at 11.00 am

### **Present**

#### **Councillors**

J Cairney (Chairman)  
J Bartlett, Mrs F J Colthorpe, D R Coren,  
R J Chesterton, D J Knowles, Mrs E J Slade  
and L D Taylor

### **Apologies**

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

Mrs E M Andrews, J M Downes, Miss J Norton and  
S J Penny

### **Also Present**

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

Simon Newcombe (Corporate Manager for Public Health,  
Regulation and Housing), Deborah Sharpley (Solicitor),  
Joanne Pope (Commercial Team Leader Public Health)  
and Carole Oliphant (Member Services Officer)

## **9 APOLOGIES AND SUBSTITUTE MEMBERS (02.35)**

Apologies were received from Cllr Mrs E M Andrews, Cllr J Downes, Cllr Miss J Norton and Cllr S J Penny

## **10 DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (02.56)**

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

## **11 PUBLIC QUESTION TIME (03.10)**

There were no members of the public present

## **12 MINUTES (03.20)**

The minutes of the last meeting were agreed as a true record and duly **SIGNED** by the Chairman

## **13 STATEMENT OF PRINCIPLES UNDER THE GAMBLING ACT 2005 (04.19)**

The Committee had before it a \*report from the Corporate Manager for Public Health, Regulation and Housing presenting the 3 yearly review of the Statement of Principles for the Gambling Act 2005.

The officer stated that a review of the Statement of Principles was required to set out and adopt how the Council would carry out its duties.

He confirmed that the 2005 Gambling Act came into force in 2007 and set out the responsibilities of Local Authorities on the regulation of gambling activities.

He stated that there were no suggested changes to the core principles but only minor grammatical changes. He confirmed that a 6 week consultation had been conducted with relevant outside bodies and that no responses had been received so officers had concluded that the changes made were satisfactory.

It was therefore **RECOMMENDED** to Council that:

The updated Statement of Principles as contained in Annex 1 of the report be adopted with effect from 31<sup>st</sup> January 2022 subject to the following amendments:

15.10 – The geographical location of the premises, its levels of deprivation (where appropriate) and the socio-economic makeup of the area

17.20 – This Licensing Authority has noted the Gambling commission states that it generally does not expect licensing authorities to be concerned with ensuring that gambling is conducted in a fair and open way as this will have been addressed via operating and personal licences.

(Proposed by the Chairman)

**Reason for the decision:** To ensure that the updated Statement of Principles is formally adopted allowing for delivery against statutory duties

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

#### 14 **ENFORCEMENT UPDATE (20.04)**

The Committee was provided with the following update from the Commercial Team Leader Public Health:

##### **Covid updates: Licensing committee**

Given the unprecedented situation over the last 12 months, I wanted to give you some updates on the Covid work we have been undertaking, particularly in relation to licensed premises.

As you are aware the Covid restrictions have placed a great burden on these businesses. After January's lockdown at the start of the year, we received a large number of requests from licensees, both for advice about how they should be operating their businesses in a safe and legal way, and for support at a time where normal operations were disrupted and the viability of some businesses was tested.

In Public health we have been there to support these businesses through this difficult time, ensuring open and honest engagement about the challenges they faced, offering help and advice and also dealing with complaints where businesses were not implementing the measures expected of them or were simply failing to adhere to the legislation. We were also mindful to be open and honest about the challenges we faced. We were as flexible as possible in supporting local businesses and the local economy whilst still remaining mindful of the requirements and objectives of relevant coronavirus legislation.

Working within the context of increased workloads and at time reduced staff levels has been challenging and it has been necessary to prioritise requests, applications and hearings that are business critical.

The Government implemented a range of measures to provide financial support to businesses, but these more generic schemes did not relate to specific fees and charges payable by businesses. In terms of license fees we have been working hard to ensure we cover the costs of issuing and administering licences and the work this involves.

Throughout the last 12 months we have been working very closely with the police and as ever our working relationship is extremely supportive and connected. We undertook many out of hours spot checks, which was able to provide us with information pertaining to Covid security breaches and general compliance with license conditions.

The findings of these visits gave us a lot of confidence that the majority were adhering to the guidance and legislation which was really positive. We did however have to take some action against premises for non-compliance. In total we issued 3 fixed penalty notices and 1 prohibition notice to licensed premises. Interestingly all of the FPN's were issued towards the end of the restrictions in June of this year, when I think Covid fatigue set in and business owners were becoming a bit complacent.

The payment for 2 fixed penalty notices have been settled, however we are looking into potentially pursuing payment of the 3<sup>rd</sup> FPN through the courts with the help of our legal team.

We also played a big part in the extension of special pavement licenses throughout Covid to enable more licensed premises to continue to operate safely. The increased use of outside spaces prompted premises to apply where outside pavements areas could be used.

I would just like to say the Covid work we have been doing has been a great success in terms of maintaining public confidence in council monitoring and the provision of support to aid businesses through the pandemic. We also played a big part in enabling the local economy to continue to operate in between lockdowns without excess transmission. We have in total delivered advice and support to over 250 businesses, have reviewed well over 50 risk assessments and have thanks to grant funding for a covid marshall, we have inspected many more businesses and continue to promote good practice.

- Due to Covid the nature of our inspections had to change through necessity. Premises were inspected primarily for Covid safety and compliance related purposes and as a result standard licensing checks carried out were more basic than normal.
- No enforcement
- No hearings
- Partnership working was carried out in respect of Covid.
- With Covid ongoing and redeployment of some resources within the team then standard inspections are more limited but we are hoping that this will change soon into the New Year.

(The meeting ended at 11.30 am)

**CHAIRMAN**



**LICENSING COMMITTEE**  
**3 DECEMBER 2021**

**FOURTH REVIEW OF THE GAMBLING ACT 2005 STATEMENT OF PRINCIPLES**

**Cabinet Member(s):** Cllr Dennis Knowles  
**Responsible Officer:** Simon Newcombe, Corporate Manager for Public Health, Regulation and Housing

**Reason for Report and Recommendation:** Mid Devon District Council is required to set out and formally adopt a Statement of Principles advising how it will carry out its duties under the Gambling Act 2005. That statement has to be reviewed every three years and this is its fourth review.

The reason for the recommendation is to ensure the updated Statement of Principles is formally adopted allowing for delivery against these statutory duties.

**Recommendation:** That the Licensing Committee recommend to Council that the updated Statement of Principles as contained in Annex 1 of this report is adopted and will have effect from 31 January 2022.

**Financial Implications:** None that are not contained within existing resources.

**Budget and Policy Framework:** No budget implications. With respect to policy, the updated Statement is attached with the proposed changes tracked. More information on the proposed changes is set out within the report and these are relatively minor in nature.

**Legal Implications:** The Council is required to adopt a Statement of Principles as set out. Section 349 of the Gambling Act 2005 requires that the licensing authority consult the Chief Officer of Police; one or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area; and one or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Act. Details of this consultation are set out within the report.

**Risk Assessment:** If the Statement of Principles is not properly adopted it could be subject to legal challenge. As such this would be a failure of the Council's statutory duty as the Licensing Authority in respect of the licensing duties set out in the Gambling Act 2005. The result would be a failure to appropriately licence and regulate relevant gambling establishments and activities and ensure the key Licensing Objectives as set out in section 1.4 of the report are met.

**Equality Impact Assessment:** An EIA has not been undertaken for this report. The Statement of Principles set out herein is determined purely by the provisions of the legislation within the context of the statutory consultation as set out and do not discriminate against any relevant persons with protected characteristics. Nonetheless, the Statement seeks to protect vulnerable persons and uphold key Licensing Objectives as set out below.

**Relationship to Corporate Plan:** This report and the annexes attached link directly to the Licensing Authority functions of the Council with the primary aim of protecting public safety and ensuring the well-being of our community and licensed service users. It therefore contributes to the priority of Community within the Corporate Plan.

**Impact on Climate Change:** None directly arising from the report or the proposed updated Statement of Principles.

## **1.0 Introduction**

- 1.1 The Gambling Act 2005 (“the Act”) came into force on 1 September 2007 and consolidated regulation of casinos, bingo, gaming machines, lotteries, betting and remote gambling into the single Act for the purposes of regulation.
- 1.2 The Act also created a new unified industry regulator, the Gambling Commission, which has responsibility for advising both central and local government on issues relating to gambling.
- 1.3 The Council has responsibilities under the Act as the designated Licensing Authority for the Mid Devon area to issue premises licences, permits and notices in respect of premises where it is proposed that gambling take place. The Council is also responsible for the registration of Small Society Lotteries.
- 1.4 The Act contains three key objectives, which are set out in section 1 of the Act:
  - Preventing gambling from being a source of crime or disorder, associated with crime or disorder, or be used to support crime;
  - Ensuring gambling is conducted in a fair and open way;
  - Protecting children and other vulnerable people from being harmed or exploited by gambling.
- 1.5 Section 349 of the Act requires all licensing authorities to prepare and publish a Statement of Principles that they intend to apply in exercising their functions under the Act. The Statement of Principles will last a maximum of three years.
- 1.6 The current Statement of Principles for Mid Devon was formally adopted on 4 December 2015 and the third, most recent update of this came into force on 30 January 2019 following approval by Council. It is therefore due to be reviewed.

## **2.0 Revised Statement of Principles**

- 2.1 The Act requires that the Statement of Principles be reviewed on a three yearly basis. The proposed Statement of Principles that was consulted upon is attached as Annex 1.
- 2.2 As with previous versions, the new Statement of Principles has been written in pursuant to the provisions of the Gambling Act and also takes account of the

Guidance issued under Section 25 of the Act by the Gambling Commission. This Guidance provides a clear steer on what Statements of Principles should look to cover.

#### Amendments to the Statement of Principles

2.3 There are no suggested amendments to the core principles within the document setting out how the Council has regard to the licensing objectives of the Gambling Act. There have been minor wording and structural changes to aid the flow of the document and to clarify issues. A general overview of the main changes is given below.

- Change reference to 'licensing authority' or 'authority' to 'Licensing Authority' to reflect the formal role of the Council under the legislation
- For clarity, amend 'Council' to 'Mid Devon District Council'
- Update date of coming into force to 31 January 2022
- Insert consultation dates – this includes that of the statutory consultation set out below and will also include the date of this Licensing Committee in the final, published version following adoption
- Update number of relevant current licensing activities and premises in the Council area
- Revised or updated web links where relevant
- Remove any reference to 'Policy' and replace with 'Statement of Principles' for clarity
- Updated references to different categorisation of gaming machines following changes in legislation

2.4 Members will see that changes have been tracked so new additions are in blue and deletions are crossed through in red.

2.5 The updated Statement of Principles has also been reviewed against the current Gambling Commission 2018 Guidance to Licensing Authorities in England & Wales (minor amendment version September 2021 - see background papers).

### **3.0 Statutory consultation**

3.1 Section 349 of the Act requires that licensing authorities consult with:

- The Chief Officer of Police
- Representatives of gambling businesses
- Representatives of people who, in the opinion of the authority, are likely to be affected by the exercise of the function.

3.2 The consultation took place for a period of six-weeks between 15 September and 27 October 2021.

3.3 This was a targeted but extensive consultation whereby the draft, amended Statement of Principles was published on the Council's website and specific letters/emails were sent to:

- Association of British Bookmakers
- British Amusement and Catering Trade Association
- British Beer and Pub Association
- Citizens' Advice Bureau
- Community Safety Partnership
- Churches Housing Action Team
- Devon & Cornwall Constabulary (Licensing Lead as the appointed representative of the Chief Constable/Chief Officer)
- Devon County Council – Local Safeguarding Children's Board
- Devon County Council – Social Services / Education Department
- Devon and Somerset Fire and Rescue Service
- Existing MDDC licence holders / representatives
- Federation for Small Business (Mid Devon)
- Gamblers Anonymous
- Gambling Commission
- GamCare (a body that helps people with gambling problems)
- Mencap
- NSPCC
- Planning and Public Health (Mid Devon District Council-)
- Primary Care Trust
- Town and Parish Councils

3.4 We received no responses. Confirmation of receipt and with no suggested amendments was received from several organisations and individuals including the Gambling Commission.

3.5 The draft, amended consultation version of the Statement of Principles setting out the proposed changes is attached as Annex 1. Consequently, this is the proposed, final fourth version of the Statement of Principles for adoption as no further changes or amendments were required following consultation.

#### **4.0 Recommendation**

4.1 That the Licensing Committee recommend to Council that the updated Statement of Principles as contained in Annex 1 of this report is adopted and will have effect from 31 January 2022.

4.2 The Act and associated regulations sets out a formal timescale and publication requirement for the correct adoption of any Statement of Principles. Details of compliance with these requirements is set out below, subject to formal adoption of the Statement by Council.

#### **5.0 Notice of Publication and timescale**

5.1 The Council, as the Licensing Authority for the gambling function, is required to publish the adopted Statement of Principles no later than four weeks before the day on which it comes into effect. The Statement will take effect on 31 January 2022 and a draft copy of the Notice of Publication is attached as

Annex 2. It will be published on the Council's website, on the notice board of Phoenix House and also in the public libraries of Cullompton and Crediton. It is proposed that it will be published in December following the 15 December 2021 Council meeting, thus fulfilling our statutory requirements.

**Contact for more Information:** Vicky Limb, Specialist Lead - Licensing (secondment) [vlimb@middevon.gov.uk](mailto:vlimb@middevon.gov.uk) or Simon Newcombe, Corporate Manager for Public Health, Regulation and Housing [snewcombe@middevon.gov.uk](mailto:snewcombe@middevon.gov.uk).

**Circulation of the Report:**

Cabinet Member for Community Well Being (Cllr Dennis Knowles)  
Members of the Licensing Committee  
All Leadership Team  
All Corporate Management Team  
All Operations Managers  
Legal Services

**List of Background Papers:**

Gambling Act 2005  
<https://www.legislation.gov.uk/ukpga/2005/19/contents>

Gambling Commission guidance on Statement of Principles for Licensing Authorities  
<https://www.gamblingcommission.gov.uk/authorities/page/statement-of-principles-for-licensing-authorities>

**Annex 1 - Updated Statement of Principles (proposed for adoption following consultation)**

**Annex 2 - Draft copy of the Notice of Publication**

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**Licensing Authority**  
**Mid Devon District Council**  
**Phoenix House, Phoenix Lane Tiverton,**  
**Devon, EX16 6PP**

## **Gambling Act 2005**

### **Statement of Principles**

**31 January 2019~~22~~ to 30 January 2022~~25~~**

**(Adopted by Full Council on ~~24 October 2018~~ 15 December 2021)**

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## **STATEMENT OF PRINCIPLES**

Text in the shaded boxes within this Statement of Principles is advisory only intended to give assistance to applicants, interested persons and responsible authorities.

### **Part A**

#### **1 The Licensing Objectives**

- 1.1 The Licensing Authority ([Mid Devon District Council](#)) has a duty under the Gambling Act 2005 to carry out its licensing functions in a manner which is consistent with three licensing objectives. The licensing objectives are:
- preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime
  - ensuring that gambling is conducted in a fair and open way, and
  - protecting children and other vulnerable persons from being harmed or exploited by gambling
- 1.2 It should be noted that this ~~policy statement~~ [Statement of Licensing Principles](#) will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Act.
- 1.3 It should also be noted that considerations such as moral or ethical objections to gambling are not valid reasons to reject applications for premises licences. An authority's decision cannot be based on dislike of gambling, or a general notion that it is undesirable to allow gambling premises in an area (with the exception of the casino resolution powers).

#### **2 Introduction**

- 2.1 This Statement of Licensing Principles is written pursuant to the provisions of the Gambling Act 2005 and the Guidance issued under s.25 of the Act by the Gambling Commission.
- 2.2 All references to ~~the 'Guidance'~~ refer to the Gambling Commission's Guidance for Local Authorities.
- 2.3 The Statement takes effect on 31 January ~~2019~~ [2022](#).

### 3 The Geographical Area



3.1 Mid Devon is one of the larger local authorities in England with a rural area of 352 square miles but a fairly sparse population of 79,200. The district boasts a high quality natural environment, bordering Dartmoor and Exmoor National Parks and the Blackdown Hills Area of Outstanding Natural Beauty. There are three main towns in the district, Tiverton being the largest with a population of approximately 22,177. Cullompton and Crediton have populations of approximately 9,245 and 7,872 respectively. The rest of the population is spread throughout the district in villages and hamlets stretching from Dartmoor to Exmoor to the Blackdown Hills.

3.2 Mid Devon [District Council](#) is the licensing authority for a range of gambling activities in conjunction with the Gambling Commission. To give an indication of the numbers involved, please see the table below. This data was true as of ~~May 2018~~ May 2021, and experience has shown that the numbers stay fairly constant:

| Type of licence / Permit / Authorisation                       | Number in District |
|----------------------------------------------------------------|--------------------|
| Betting Shop                                                   | <del>5</del> 4     |
| Adult Gaming Centre                                            | <del>3</del> 2     |
| Family Entertainment Gaming Machine Permit                     | 3                  |
| Club Gaming Permit                                             | 2                  |
| Club Machine Permit                                            | <del>10</del> 5    |
| Alcohol licensed premises - Gaming Machine Permit Notification | <del>83</del> 74   |
| Alcohol licensed premises - Gaming Machine permit              | <del>4</del> 3     |
| Small Society Lottery                                          | <del>93</del> 74   |

## 4 Consultation

4.1 Licensing authorities are required by the Gambling Act to publish a statement of the principles which they propose to apply when exercising their functions. This statement must be published at least every three years. The statement must also be reviewed from “time to time” and any amended parts reconsulted upon. The statement must then be republished.

4.2 The Gambling Act requires that the following parties be consulted by ~~Licensing Authorities~~ [licensing authorities](#):

- The Chief Officer of Police;
- Persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority’s area;
- Persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority’s functions under the Gambling Act.

4.3 In adopting this policy, [this](#) e Licensing Authority have consulted with the following parties:

- All Responsible Authorities under the Gambling Act
- Citizen’s Advice Bureau
- Community Safety Partnership
- Churches Housing Action Team
- Public Health, Mid Devon District Council
- Existing licence-holders (or representatives)
- Federation for Small Business – Mid Devon
- Gamblers Anonymous
- Gambling Commission
- Gamcare
- Mencap
- NSPCC
- Primary Care Trust
- Residents / Businesses of Mid Devon through the Council website
- Town & Parish Councils within Mid Devon

4.4 Proper weight has been given to the views of all those who have been consulted prior to the date of implementation of the Statement of Principles.

Our consultation took place between ~~TBC~~ [\(insert dates\)](#) and we followed Cabinet office guidance on public consultation, which is available at: <https://www.gov.uk/government/publications/consultation-principles-guidance>.

- 4.5 The Statement of Principles was approved at a meeting of the Full Council on ~~TBC~~ [\(insert date\)](#) and was published on our website on ~~TBC~~ [\(insert date\)](#). Copies were placed in the public libraries of the area as well as being available for viewing at Mid Devon District Council, Phoenix House, Phoenix Lane, Tiverton, Devon EX16 6PP.
- 4.6 Should you have any comments regarding this Statement of Licensing Principles please write to the above address or email [licensing@middevon.gov.uk](mailto:licensing@middevon.gov.uk).

## 5 Declaration

- 5.1 In producing the final ~~statement~~ [Statement](#) this ~~licensing~~ [Licensing authority](#) ~~Authority~~ declares that it has had regard to the licensing objectives of the Gambling Act, the ~~guidance~~ [Guidance](#) ~~to licensing authorities issued by the Gambling Commission~~, and any responses from those consulted on the statement.

## 6 The Overriding Principle

- 6.1 In exercising its functions under the Act, this ~~licensing~~ [Licensing authority](#) ~~Authority~~ will aim to permit the use of premises for gambling in so far as it thinks it is:
- in accordance with the Gambling Act and associated legislation;
  - in accordance with any relevant Code Of Practice;
  - in accordance with any relevant guidance issued by the Gambling Commission;
  - to be reasonably consistent with the licensing objectives
  - in accordance with this Statement of Principles
- 6.2 In deciding whether or not to grant a licence, this ~~authority~~ [Authority](#) does not have regard to the expected demand for the facilities that are the subject of the application.
- 6.3 The overriding principle does not, however, apply if this Authority resolves not to issue casino premises licences.
- 6.4 Each case will be decided on its individual merits.

## 7 Responsible Authorities

- 7.1 Responsible ~~authorities~~ [Authorities](#) are those public bodies, as specified by the Gambling Act, which must be notified of applications for premises licences. Such bodies are entitled to make representations to ~~the a~~ [licensing authority](#) in relation to the applications. The Responsible Authorities [for this Licensing Authority](#) are detailed in Appendix A.

~~7.2~~ [The A](#) licensing authority is required by regulations to state the principles it will apply in exercising its powers under Section 157(h) of the Act to designate, in writing, a body.

which is competent to advise the authority about the protection of children from harm. The principles are:

- the need for the body to be responsible for an area covering the whole of the licensing authority's area; and
- the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.

7.37.2 In accordance with the suggestion in the ~~Gambling Commission's~~ Guidance for local authorities, this ~~authority~~ Authority designates the Devon Safeguarding Children Board for this purpose.

## 8 Interested Parties

8.1 Interested parties can make representations about licence applications, or apply for a review of an existing licence. These parties are defined in the Gambling Act as follows: "For the purposes of this Part a person is an interested party in relation to an application for or in respect of a premises licence if, in the opinion of the licensing authority which issues the licence or to which the applications is made, the person –

- a) lives sufficiently close to the premises to be likely to be affected by the authorised activities,
- b) has business interests that might be affected by the authorised activities, or
- c) represents persons who satisfy paragraph (a) or (b)"

8.2 ~~The~~ A licensing authority is required by regulations to state the principles it will apply in exercising its powers under the Gambling Act to determine whether a person is an interested party. The principles are set out below.

8.3 Each case will be decided upon its own merits. This ~~authority~~ Licensing Authority will not apply a rigid rule to its decision-making. The factors that this ~~licensing~~ Licensing authority Authority may take into account when determining what 'sufficiently close to the premises' means (in each case) might include:

- The size of the premises
- The nature of the premises
- The distance of the premises from the location of the person making the representation
- The potential impact of the premises (number of customers, routes likely to be taken by those visiting the establishment)
- The circumstances of the complainant. This is not the personal characteristics of the complainant, but the interests of the complainant which may be relevant to the distance from the premises.

8.4 In determining whether a person with business interests might be affected by the premises, the factors likely to be relevant include:

- The size of the premises

- The 'catchment' area of the premises (that is, how far people travel to visit the premises)
- Whether the person making the representation has business interests in that catchment area that might be affected.

8.5 Interested parties can be persons who are democratically elected such as county, parish and town councillors and MPs. No specific evidence of being asked to represent an interested person will be required as long as the ~~councillor~~[councillor](#) / MP represents the ward likely to be affected. Parish and town councils may also be interested parties. Other than these however, this authority will generally require written evidence that a person/body (e.g. an advocate / relative) 'represents' someone who either lives sufficiently close to the premises likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient.

If individuals wish to approach councillors to ask them to represent their views then care should be taken that the councillors are not part of the Licensing Committee dealing with the licence application. If there are any doubts then please contact the Licensing Team, Mid Devon District Council, Phoenix House, Phoenix Lane, Tiverton, Devon EX16 6PP or telephone 01884 255255 or email [licensing@middevon.gov.uk](mailto:licensing@middevon.gov.uk)

## 9 Exchange of Information

- 9.1 The principle that this Licensing Authority applies is that it will act in accordance with the provisions of the Gambling Act in its exchange of information and comply with the Data Protection Act 1998. This ~~licensing~~[Licensing authority](#) Authority will also have regard to any ~~Guidance~~[guidance](#) issued by the Gambling Commission on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act.
- 9.2 Should any protocols be established as regards information exchange with other bodies then they will be made available.

## 10 Enforcement

- 10.1 The main enforcement and compliance role for this ~~licensing~~[Licensing authority](#) Authority in terms of the Act will be to ensure compliance with licences and permits issued and any conditions attached to them, including compliance with relevant codes of practice, dealing with temporary permissions and registration of small society lotteries.
- 10.2 This ~~e-licensing~~[Licensing authority](#) Authority will act in accordance with the following principles for regulators:
- Proportionate: regulators should only intervene when necessary and remedies should be appropriate to the risk posed, and costs identified and minimised;
  - Accountable: regulators must be able to justify decisions and be subject to public

scrutiny;

- Consistent: rules and standards must be joined up and implemented fairly;
- Transparent: regulators should be open and keep regulations simple and user friendly; and
- Targeted: regulation should be focused on the problem and minimise side effects.

10.3 In line with the ~~Gambling Commission's~~ Guidance ~~for licensing authorities~~ this ~~licensing Licensing authority~~ Authority will endeavor to avoid duplication with other regulatory regimes so far as possible.

10.4 This ~~licensing Licensing authority~~ Authority will also adopt and implement a risk-based inspection programme based on:

- The licensing objectives and intelligence / complaints received
- Relevant codes of practice
- ~~Any Guidance~~ guidance issued by the Gambling Commission
- The principles set out in this statement of licensing policy

10.5 During inspections this ~~authority~~ Authority may cover:

- details of training policies and training undertaken by staff
- ~~Details~~ details of Local Risk Assessments and ensuring the document is available to view and up to date
- records of refusals to serve / admit on age grounds (subject to the terms of any primary authority agreements)
- records of any relevant incidents in or outside the premises, e.g. anti-social behaviour
- approach to managing self-exclusion and numbers of people currently self-excluded
- involvement / impact of any work in local schemes or partnership working with other local businesses
- reviewing paperwork relating to the purchase of machines from licensed manufacturers
- interviews with staff members
- confirming that appropriate signage is in place.

This list is not exhaustive but provides the common factors covered in a standard inspection.

The main enforcement and compliance role for this ~~licensing Licensing authority~~ Authority in terms of the Gambling Act 2005 is to ensure compliance with the premises licences and other permissions which it authorises. This can include undertaking enforcement action. The Gambling Commission is the enforcement body for the operating and personal licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines are not dealt with by ~~the licensing authority~~ authorities but should be notified to the Gambling Commission.

This ~~licensing Licensing authority~~ Authority also keeps itself informed of developments with regards to the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities.

This ~~licensing Licensing authority's~~ Authority's enforcement policy is available to view here - <https://www.middevon.gov.uk/residents/public-health/public-health-enforcement-policy/>.

## 11 Licensing Authority functions

11.1 Licensing ~~Authorities~~authorities are required under the Gambling Act to:

- Be responsible for the licensing of premises where gambling activities are to take place by issuing **Premises Licences**
- Issue **Provisional Statements**
- Regulate **members' clubs** and **miners' welfare institutes** who wish to undertake certain gaming activities by issuing Club Gaming Permits and/or Club Machine Permits
- Issue **Club Machine Permits to Commercial Clubs**
- Grant permits for the use of certain lower stake gaming machines at **unlicensed Family Entertainment Centres**
- Receive **notifications** from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines
- Issue **Licensed Premises Gaming Machine Permits** for premises licensed to sell/supply alcohol for consumption on the licensed premises (under the Licensing Act 2003) where there are more than two machines
- Register **Small Society Lotteries** below prescribed thresholds
- Issue **Prize Gaming Permits**
- Receive and endorse **Temporary Use Notices**
- Receive **Occasional Use Notices**
- Provide information to the Gambling Commission regarding details of **licences issued** (see section above on 'information exchange')
- Maintain **registers** of the permits and licences that are issued under these functions

It should be noted that licensing authorities are not involved in licensing remote gambling as this is regulated by the Gambling Commission. Remote gambling is defined by the Act as gambling in which persons participate by the use of remote communication including: the internet, telephone, television and radio.

## 12 The Licensing Process

- 12.1 A Licensing Committee, a Sub-Committee, or the Licensing Officer acting under delegated authority may carry out the powers of the authority under the Gambling Act.
- 12.2 Many of the licensing procedures are largely administrative in nature. In the interests of efficiency, non-contentious procedures are carried out by ~~licensing~~Licensing  
~~officers~~Officers.
- 12.3 The Licensing Authority ensures that all Licensing Officers and Members of the Licensing Committee have received adequate training for their role under the Gambling Act.
- 12.4 Where admissible and relevant representations are received in relation to an application for a premises licence, or in relation to the review of a premises licence, a Sub-Committee is delegated to hear the matter.
- 12.5 Applicants for premises licences are required to copy their applications in full to the



~~responsible~~ Responsible authorities Authorities under the Gambling Act (-see Appendix A).

## 13 Fees

- 13.1 This Council-Licensing Authority will aim to ensure that the income it receives in fees matches the costs of providing the service to which fees relate. This e-Council-Licensing Authority sets its own fees within a framework set by central government.

## 14 Administration, Exercise and Delegation

- 14.1 The ~~following table shows the~~ delegation of functions permitted under the Gambling Act is available to view in the- Mid Devon District Council's Constitution. This can be viewed here: <https://www.middevon.gov.uk/your-council/councillors-democracy/constitution/>. ~~A tick indicates the lowest level to which decisions can be delegated.~~

| <del>Matter to be dealt with</del>                       | <del>Full Council</del> | <del>Sub-committee of licensing-</del>                       | <del>Officers</del>                                                   |
|----------------------------------------------------------|-------------------------|--------------------------------------------------------------|-----------------------------------------------------------------------|
| Three-year licensing Statement of Principles             | ✓                       |                                                              |                                                                       |
| Policy not to permit casinos                             | ✓                       |                                                              |                                                                       |
| Fee setting (when appropriate)                           |                         | ✓                                                            |                                                                       |
| Application for premises-licences                        |                         | Where representations have been received and not withdrawn   | Where no representations received/representations have been withdrawn |
| Application for a variation to a licence                 |                         | Where representations have been received and not withdrawn   | Where no representations received/representations have been withdrawn |
| Application for a transfer of a licence                  |                         | Where representations have been received from the Commission | Where no representations received from the Commission                 |
| Application for a provisional statement                  |                         | Where representations have been received and not withdrawn   | Where no representations Received/representations have been withdrawn |
| Review of a premises licence                             |                         | ✓                                                            |                                                                       |
| Application for club gaming/ club-machine permits        |                         | Where objections have been made (and not withdrawn)          | Where no objections made/objections have been withdrawn               |
| Cancellation of club gaming/ club machine permits        |                         | ✓                                                            |                                                                       |
| Applications for other permits                           |                         |                                                              | ✓                                                                     |
| Cancellation of licensed premises gaming machine permits |                         |                                                              | ✓                                                                     |
| Consideration of temporary use notice                    |                         |                                                              | ✓                                                                     |

## 15 Local Risk Assessments

- 15.1 The Gambling Commission's Licence Conditions and Codes of Practice have required operators with premises licences to consider local risks since 6 April 2016.
- 15.2 The Gambling Commission's Social Responsibility Code requires licensees to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies, procedures and control measures to mitigate those risks. In undertaking their risk assessments, licensees should take into account any relevant matters identified in this ~~policy statement~~ [Statement of Principles](#).
- 15.3 Licensees will be required to undertake and submit a local risk assessment when applying for a new premises licence. The risk assessment should be reviewed on an annual basis to ensure it is up to date and must also be reviewed (and if necessary updated):
- When applying for a variation of a premises licence.
  - To take account of significant changes in local circumstances, including those identified in this policy.
  - When there are significant changes at a licensee's premises that may affect the level of risk or the mitigation of those risks.

### Significant Changes in Local Circumstances

- 15.4 The following sets out some examples of what ~~the a Licensing licensing Authority authority~~ considers ~~s to be being~~ significant changes in local circumstances:
- The local area is identified as a crime hotspot by the Police and/or ~~Licensing licensing Authority authority~~.
  - Any vulnerable group is identified by the ~~Licensing licensing Authority authority~~ or venues relating to those vulnerable group are opened in proximity to gambling premises (e.g. additional homeless hostels or gambling or mental health care/support facilities are opened in the local area).
  - Educational facilities increase in the local area. This may occur as a result of the construction of a new school/college or where a significant change is made to an existing establishment
  - The local area is identified by the ~~Licensing licensing Authority authority~~ as an area of heightened risk within its Statement of Licensing Principles.
- 15.5 The above list is not exhaustive and other significant changes may occur that are considered relevant. ~~The A Licensing licensing Authority authority~~ will provide information to gambling operators when it feels a significant change has occurred in the local area. The licensing authority will set out what the change is and may provide information on any specific concerns it may have that should be considered by operators. However, operators must also

consider what is happening in their local areas and it is their responsibility to identify significant changes which may require a review and possible amendment to their risk assessment.

## Significant Changes to the Premises

- 15.6 The following list is not exhaustive but sets out some examples of what ~~the a Licensing~~  
~~licensing Authority authority~~ considers to be significant changes to the premises (some of which may also require a variation of the existing premises licence):
- Any building work or premises alteration where gambling facilities are relocated within the premises (including the use of privacy screens)
  - The premises licence is transferred to a new operator who has different policies and procedures to the previous licence holder
  - Any change to the operator's internal policies which as a result requires additional or changes to existing control measures; and/or staff retraining
  - The entrance or entrances of the premises are changed
  - New gambling facilities are made available on the premises which were not provided previously, for example, Self Service Betting Terminals, bet in play or different category of gaming machines are provided
- 15.7 The Social Responsibility Code provision is supplemented by an Ordinary Code that requires licensees to share their risk assessments with the ~~Licensing licensing~~  
~~Authority authority~~ when applying for a premises licence or applying for a variation to existing licensed premises or otherwise on request of the ~~Council~~  
~~licensing authority~~.
- 15.8 Whilst there are no plans to request that licensed premises share their risk assessments on a periodic basis, where concerns do exist, perhaps prompted by new or existing risks, ~~the this~~  
Licensing Authority is likely to request that a licensee share a copy of its risk assessment. The risk assessment, which should be kept on the premises to which it relates, will set out the measures the licensee has put in place to address specific concerns, thereby potentially reducing the occasions on which a premises review and the imposition of licence conditions is required.
- 15.9 When comprising their risk assessments operators should consider:
- The risks posed to the licensing objectives by the provision of gambling facilities at each of their premises in the local authority area
  - Reference to any specific local risks
  - How the operator proposes to mitigate these risks
  - How the operator will monitor specific risks
- 15.10 Although not forming an exhaustive list, the following factors are ones which operators may wish to consider when comprising and reviewing their risk assessments:
- The geographical location of the premises, its levels of deprivation and the socio-economic makeup of the area
  - The type and usage of the premises

- The layout and size of the premises, e.g. access and egress, position of counters and gaming machines, lines of sight between counters and entrance points and machines, the physical structure of the premises, presence of any visual obstacles and the appropriate level of supervision at different times of the day/ year
- Specific types of gambling premises in the local area and their density. Whether there is any facility for sharing information between premises for example, in preventing anti-social behavior?
- The opening hours of the premises and the possible interaction of the gambling premises with any surrounding night time economy
- Client demographics, the presence of children and vulnerable adults
- Staff numbers, training and supervision
- Staff roles and their engagement with other activities
- Issues of lone working and staff working ~~with~~ closely with children
- How the presentation and marketing of any gambling products does not appeal to children and is clear to anyone wishing to participate in gambling

15.11 Operators will also wish to consider the potential risk of under-age gambling and the increased risk of problem gambling in certain groups, and therefore it is suggested that operators consider:

- Self-exclusion data - the number of self-exclusions and underage attempts to gamble
- The proximity of the premises to any school, centre, or establishment for the education, training or care of young and/or vulnerable persons
- The proximity of the premises to leisure centres used for sporting and similar activities by young and/or vulnerable persons
- The proximity to the premises to any youth club or similar establishment
- The proximity of the premises to any community, welfare, health or similar establishment used specifically, or to a large extent, by young and/or vulnerable persons
- The proximity of any other area or location where young and/or vulnerable persons could congregate
- The proximity of any hostels or support services for vulnerable people, such as those with addiction issues or who are homeless, given the greater potential risk of problems among these groups.

## 16 Local Area Profile

16.1 There is no mandatory requirement to undertake a local area profile and this ~~authority~~ [Authority](#) has decided not to do so at the time of producing this policy statement. This decision will be reviewed should it be felt by the ~~authority~~ [Authority](#) that potential or actual risks merit its production.

## **Part B - Premises Licences: Consideration of Applications**

### **17 General Principles**

- 17.1 Premises Licences are subject to the requirements set-out in the Gambling Act and regulations, as well as specific mandatory and default conditions, which are detailed in regulations issued by the Secretary of State ([further information about these can be found here: https://www.legislation.gov.uk/ukxi/2007/1409/contents/made](https://www.legislation.gov.uk/ukxi/2007/1409/contents/made)). Licensing authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate.
- 17.2 This ~~licensing~~ Licensing authority Authority is aware that in making decisions about premises licences it should aim to permit the use of premises for gambling in so far as it thinks it:
- in accordance with any relevant code of practice issued by the Gambling Commission,
  - in accordance with any relevant guidance issued by the Gambling Commission,
  - reasonably consistent with the licensing objectives, and
  - in accordance with the authority's Statement of Licensing Principles.
- 17.3 It is appreciated that, in line with the ~~Gambling Commission's~~ Guidance for licensing authorities, "moral objections to gambling are not a valid reason to reject applications for premises licences" (except as regards any 'no casino resolution' - see section on Casinos below) and also that unmet demand is not a criterion for a licensing authority.
- 17.4 In determining applications ~~the a~~ licensing authority has a duty to take into consideration all relevant matters and not to take into consideration any irrelevant matters, in effect those not related to gambling and the licensing objectives. One example of an irrelevant matter would be the likelihood of the applicant obtaining planning permission or building regulations approval for their proposal.

#### **Definition of premises**

- 17.5 ~~In~~ the Act, "premises" is defined as including "any place". Section 152, therefore, prevents more than one premises licence applying to any place, but a single building could be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. This approach has been taken to allow large, multiple unit premises such as a pleasure park, pier, track or shopping mall to obtain discrete premises licences, where appropriate safeguards are in place. This ~~licensing~~ Licensing authority Authority, will, however, pay particular attention if there are issues about subdivisions of a single building or plot and should ensure that mandatory conditions relating to access between premises are observed.
- 17.6 The Gambling Commission states in its Guidance ~~to Licensing Authorities~~ that "In most cases the expectation is that a single building/plot will be the subject of an application for a licence, for example, 32 High Street. But, that does not mean 32 High Street cannot be the subject of separate premises licences for the basement and ground floor, if they are configured acceptably. Whether different parts of a building can properly be regarded

as being separate premises will depend on the circumstances. The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter for discussion between the operator and the licensing officer. However, the Commission does not consider that areas of a building that are artificially or temporarily separated, for example, by ropes or moveable partitions, can properly be regarded as different premises”.

17.7 This ~~licensing~~ Licensing authority Authority takes ~~particular~~ note of the Gambling Commission’s ~~Guidance for licensing authorities~~ which states that Authorities ~~authorities~~ should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular they should be aware of the following:

- The third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling, but also preventing them from being in close proximity to gambling. Therefore premises should be configured so that children are not invited to participate in, have accidental access to, or be able to closely observe gambling where they are prohibited from participating.
- Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not “drift” into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit.
- Adequate separation may be obtained by means of screening, walls, clear signage etc. but each case will be judged on its own merits.
- Customers should be able to participate in the activity named on the premises licence.

17.8 The Guidance also gives a list of factors which ~~the a~~ licensing authority should be aware of, which may include:

- Does the premises have a separate registration for business rates?
- Is the premises’ neighbouring premises owned by the same person or someone else?
- Can each of the premises be accessed from the street or a public passageway?
- Can the premises only be accessed from any other gambling premises?

This ~~authority~~ Authority will consider these and other relevant factors in making its decision, depending on the circumstances of the case.

17.9 This Licensing Authority accepts that there must be no direct access between an adult gaming centre and any other premises licensed under the Act or premises with an FEC, club gaming, club machine or licensed premises gaming permit. There is no definition of ‘direct access’ in the Act or regulations. However it could be said that there should be an area separating the premises concerned (for example, a street or café), which the public go to for the purposes other than gambling, for there to be shown to be no direct access. This must be made clear on the relevant plan. The Gambling Commission’s relevant access provisions for each

premises type are reproduced below:

#### **Casinos**

- The principal access entrance to the premises must be from a street
- No entrance to a casino must be from premises that are used wholly or mainly by children and/or young persons
- No customer must be able to enter a casino directly from any other premises which holds a gambling premises licence

#### **Adult Gaming Centre**

- No customer must be able to access the premises directly from any other licensed gambling premises

#### **Betting Shops**

- Access must be from a street or from another premises with a betting premises licence
- No direct access from a betting shop to another premises used for the retail sale of merchandise or services. In effect there cannot be an entrance to a betting shop from a shop of any kind and you could not have a betting shop at the back of a café – the whole area would have to be licensed.

#### **Tracks**

- No customer should be able to access the premises directly from:
  - a casino
  - an adult gaming centre

#### **Bingo Premises**

- No customer must be able to access the premises directly from:
  - a casino
  - an adult gaming centre
  - a betting premises, other than a track

#### **Family Entertainment Centre**

- No customer must be able to access the premises directly from:
  - a casino
  - an adult gaming centre
  - a betting premises, other than a track

#### **Premises “ready for gambling”**

- 17.10 The Guidance states that a licence to use premises for gambling should only be issued in relation to premises that the licensing authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use.



- 17.11 If the construction of a premises is not yet complete, or if they need alteration, or if the applicant does not yet have a right to occupy them, then an application for a provisional statement should be made instead.
- 17.12 In deciding whether a premises licence can be granted where there are outstanding construction or alteration works at a premises, this ~~authority~~ Authority will determine applications on their merits, applying a two stage consideration process:
- First, whether the premises ought to be permitted to be used for gambling.
  - Second, whether appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.
- 17.13 Applicants should note that this ~~authority~~ Authority is entitled to decide that it is appropriate to grant a licence subject to conditions, but it is not obliged to grant such a licence.

#### **Location**

- 17.14 This ~~licensing~~ Licensing ~~authority~~ Authority is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives are relevant to its decision making. In line with the ~~Gambling Commission's Guidance to licensing authorities~~, this ~~authority~~ Authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. Should any specific policy be decided upon with regards to areas where gambling premises may present a greater risk, this ~~statement~~ Statement of Principles will be updated. It should be noted that any such policy does not preclude any application being made and each application will be decided on its own merits with the applicant having to show how they have taken into account and aim to overcome any concerns.

#### **Duplication with other regulatory regimes**

- 17.15 This ~~licensing~~ Licensing ~~authority~~ Authority seeks to avoid any duplication with other statutory / regulatory systems where possible, including planning. This ~~authority~~ Authority will not consider whether a licence application is likely to be awarded planning permission or building regulations approval, in its consideration of it. It will listen to, and consider carefully, any concerns about conditions, which are not able to be met by licensees due to planning restrictions, should such a situation arise. All applicants are advised however, to speak to the Planning Department of ~~this~~ Mid Devon District Council before making a formal application to the Licensing Service.
- 17.16 When dealing with a premises licence application for finished buildings, this ~~authority~~ Authority will not take into account whether those buildings have to comply with the necessary planning or buildings consents. Fire or health and safety risks will not be taken into account, as these matters are dealt with under relevant planning control, buildings and other regulations and must not form part of the consideration for the premises licence.

#### **Licensing objectives**

- 17.17 In carrying out its licensing functions this ~~is~~ e-Authority will have regard to the

licensing objectives, which are:

- preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime.
- ensuring that gambling is conducted in a fair and open way, and
- protecting children and other vulnerable persons from being harmed or exploited by gambling.

**Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime**

17.18 This ~~licensing-Licensing authority~~ Authority is aware that the Gambling Commission takes a leading role in preventing gambling from being a source of crime. The ~~Gambling Commission's~~ Guidance does however envisage that licensing authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Thus, where an area has known high levels of organised crime this ~~authority~~ Authority will consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable such as the provision of door supervisors. This ~~licensing-Licensing authority~~ Authority is ~~—aware—of aware —the of —distinction the between distinction —disorder between —and disorder —nuisance and nuisance.~~

17.19

Disorder is intended to mean an activity that is more serious and disruptive than mere nuisance. Factors this ~~authority~~ Authority will consider in determining whether a disturbance was serious enough to constitute disorder will include whether police assistance was required and how threatening the behaviour was to those who could see or hear it.

**Ensuring that gambling is conducted in a fair and open way**

17.20 This ~~licensing-Licensing authority~~ Authority has noted that the Gambling Commission states that it generally does not expect licensing authorities to be concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences. There is, however, more of a role regarding tracks which is explained in more detail in the tracks section.

**Protecting children and other vulnerable persons from being harmed or exploited by gambling**

17.21 This ~~licensing-Licensing authority~~ Authority has noted the ~~Gambling Commission's~~ Guidance ~~to licensing authorities~~ states that this objective means preventing children from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at or are, particularly attractive to children). This ~~licensing-Licensing authority~~ Authority will therefore consider, as suggested in the ~~Gambling Commission's~~ Guidance, whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances / machines, segregation of areas etc.

17.22 This ~~licensing-Licensing authority~~ Authority is also aware of the Codes of Practice, which the Gambling Commission ~~issues~~ with regards to this ~~licensing~~ objective, ~~in~~ relation ~~to~~ specific premises.

- 17.23 With regards to the term “vulnerable persons” it is noted that the Gambling Commission does not seek to offer a definition but states that “it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who gambling beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.” This ~~licensing-~~ [Licensing authority-Authority](#) will consider the licensing objective on a case-by- case basis.
- 17.24 Additionally, this Licensing Authority expects operators of gambling premises to have in place policies and measures to ensure children and other vulnerable people are protected from being harmed or exploited by gambling. Harm in this context is not limited to harm from gambling but includes wider child protection considerations, including the risk of child sexual exploitation.
- 17.25 The efficiency of such policies and procedures will be considered on their merits; however, they may include appropriate measures/training for staff with regards to suspected truanting school children on the premises, measures/training covering how staff would deal with unsupervised young children being on the premises, or children causing perceived problems.
- 17.26 This Authority will pay particular attention to measures proposed by operators to protect children from harm in Adult Gaming Centres and Family Entertainment Centres. Additional information and examples of appropriate measures to consider for some specific types of premises are provided throughout this ~~policy~~ [Statement of Principles](#) in each of the relevant sections.

#### **Licensing Conditions - Mandatory**

- 17.27 Mandatory conditions may be attached to a premises licence by the Secretary of State under Section 167 of the Act. They can be attached generally to all ~~Premises-premises~~ [Licences/licences](#), or may be attached to all ~~Premises-premises~~ [Licences/licences](#) of a particular type, or to a particular type of ~~Premises-premises~~ [Licences](#) under certain specified circumstances.
- 17.28 Once ~~Mandatory-mandatory~~ conditions are attached they can only be removed by further Secretary of State regulations. This ~~e~~ Authority has no discretion to decide not to include them, or modify them.

#### **Licensing Conditions - Default**

- 17.29 The Secretary of State considers the use of default conditions are most appropriate where a general industry or sector wide approach is desirable in order to assist national consistency, but where licensing authorities ought to be able to respond to local circumstances by altering those conditions if necessary.
- 17.30 Section 169 of the Act gives licensing authorities the ability to exclude from a ~~Premises~~ ~~premises licence~~ any default conditions that have been imposed under section 168. However, as default conditions are considered to be the industry norm, and while licensing authorities are free to limit or remove them where appropriate, this Authority will only extend them with reference to the Commission Codes of Practice and Guidance, the Licensing Objectives and this ~~Policy~~ ~~Statement~~ of Principles.
- 17.31 It is unlikely that ~~the council~~ this Licensing Authority will need to apply individual conditions imposing a more restricted regime in relation to matters that have already been dealt with via mandatory or default conditions. However, where there are regulatory concerns of an exceptional nature ~~the Council~~ this Authority may do so.
- 17.32 Any conditions attached to licences will only be applied where there is evidence of a risk to the licensing objectives. They will be proportionate and will be:
- relevant to the need to make the proposed building suitable as a gambling facility;
  - directly related to the premises and the type of licence applied for;
  - fairly and reasonably related to the scale and type of premises; and
  - reasonable in all other respects.
- 17.33 Decisions upon individual conditions will be made on a case by case basis, although there will be a number of measures this ~~licensing~~ Licensing authority ~~Authority~~ will consider utilising should there be a perceived need, such as the use of supervisors and appropriate signage for adult only areas etc. There are specific comments made in this regard under some of the licence types below. This ~~licensing~~ Licensing authority ~~Authority~~ will also expect the applicant to offer his/her own suggestions as to the way in which the licensing objectives can be met effectively.
- 17.34 This ~~licensing~~ Licensing authority ~~Authority~~ will also consider specific measures, which may be required for buildings, which are subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives. These matters are in accordance with the Gambling Commission's Guidance.
- 17.35 This ~~authority~~ Authority will also ensure that where category C or above machines are on offer in premises to which children are admitted:
- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
  - only adults are admitted to the area where these machines are located;
  - access to the area where the machines are located is supervised;
  - the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and

- at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

These considerations will apply- to -the specific relevant premises, -including- buildings - where -multiple premises licences are applicable.

- 17.36 This ~~licensing-Licensing authority-Authority~~ is aware that tracks may be subject to more than one premises licence, provided each licence relates to a specified area of the track. As per the ~~Gambling Commission's-Guidance~~, this ~~licensing-Licensing authority-Authority~~ will consider the impact upon the third licensing objective and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.
- 17.37 It is noted that there are conditions, which ~~the-a~~ licensing authority cannot attach to premises licences, which are:
- any condition on the premises licence which makes it impossible to comply with an operating licence condition;
  - conditions relating to gaming machine categories, numbers, or method of operation;
  - conditions which provide that membership of a club or body be required (the Gambling Act specifically removes the membership requirement for casino and bingo clubs) and this provision prevents it being reinstated; and
  - conditions in relation to stakes, fees, winning or prizes.

### Door Supervisors

- 17.38 The Gambling Commission advises in its Guidance ~~to-Licensing-Authorities~~ that if a licensing authority is concerned that a premises may attract disorder or be subject to attempts of unauthorised access (for example by children and young persons) then it may require that the entrances to the premises are controlled by a door supervisor, and is entitled to impose a condition to this effect.
- 17.39 Where it is decided that supervision of entrances/machines is appropriate for particular cases, a consideration of whether these need to be SIA licensed or not will be necessary. It will not be automatically assumed that they need to be licensed, as the statutory requirements for different types of premises vary.
- 17.40 Licence holders will be expected to make information publicly available about organisations that can provide advice and support, both in relation to gambling itself and to debt e.g. Gamcare, Gamblers Anonymous, Gordon House Association, National Debtline, local Citizen's Advice Bureaux and independent advice agencies.

## 18 Adult Gaming Centres

- 18.1 This ~~licensing-Licensing authority-Authority~~ will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling. This ~~licensing authority-Authority~~ will expect applicants to offer their own measures to meet the licensing objectives, however appropriate measures / licence conditions may cover issues such as:

- Proof of age schemes
- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Provision of information leaflets/helpline numbers for organisations such as Gamcare
- Self-exclusion schemes
- Specific opening hours
- Additional staffing during busier periods / times

This list is not mandatory, nor exhaustive and is merely indicative of examples measures.

## 19 (Licensed) Family Entertainment Centres

19.1 This ~~licensing~~ Licensing authority ~~Authority~~ will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.

19.2 This ~~licensing~~ Licensing authority ~~Authority~~ will expect applicants to offer their own measures to meet the licensing objectives; however appropriate measures / licence conditions may cover issues such as:

- CCTV
- Location of entry
- Measures / training for staff on how to deal with suspected truant school children on the premises
- Notices / signage
- Physical separation of areas
- Proof of age schemes
- Provision of information leaflets / helpline numbers for organisations such as Gamcare.
- Self-exclusion schemes
- Specific opening hours
- Supervision of entrances / machine areas
- Additional staffing during busier periods / times

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

## 20 Casinos – Local Policy

20.1 This ~~licensing~~ Licensing authority ~~Authority~~ has not passed a ‘no casino’ resolution under Section 166 of the Gambling Act 2005, but is aware that it has the power to do so. Should this ~~licensing authority~~ Authority decide in the future to pass such a resolution, it will update this ~~policy statement~~ Statement of Principles with details of that resolution. Any such decision will be made by the Full Council.

## 21 Bingo premises

- 21.1 This ~~licensing-Licensing authority~~ Authority notes that the ~~Gambling Commission's~~ Guidance states that it should take steps to satisfy itself that bingo can be played in any bingo premises for which they issue a premises licence. This will be a relevant consideration for new premises and where the operator of an existing bingo premises applies to vary their licence to exclude an area of the existing premises from its ambit and then applies for a new premises licence, or multiple licences, for that or those excluded areas.
- 21.2 This ~~authority~~ Authority also notes ~~the Gambling Commission's that the~~ Guidance states that in the unusual circumstances that an existing bingo premises covered by one premises licence applies to vary the licence and acquire additional bingo premises licences (so that the area that was subject of a single licence will become divided between a number of separate licensed premises) it is not permissible for all of the gaming machines to which each of the licences brings an entitlement to be grouped together within one of the licensed premises.
- 21.3 Children and young people are allowed into bingo premises, however they are not permitted to participate in the bingo and if category B or C machines are made available for use these must be separated from areas where children and young people are allowed.

## 22 Betting premises

- 22.1 **Gaming machines** - The holder of a betting ~~Premises-premises Licence~~ licence may make available for use up to four gaming machines of category B, C or D.  
**Betting machines** – When considering whether to impose a condition to restrict the number of betting machines in particular premises, ~~this e-Licensing Authority~~, in line with ~~Gambling Commission-the~~ Guidance, will take into account the size of the premises, the number of counter positions available for over the counter transactions, and the ability of staff to monitor and prevent the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people.
- 22.2 The ~~licensing-Licensing authority~~ Authority recognises that the design and layout of betting premises (or any other premises including tracks) will vary so will have particular regard to the siting of age restricted gaming machines within each individual premises to ensure, so far as is reasonably practicable, that staff properly monitor and prevent the use of these machines by children and young persons. This ~~licensing authority~~ Authority reserves the right to request that gaming machines are repositioned where circumstances demonstrate that it is appropriate to do so.
- 22.3 Factors to be taken into consideration will include the following:
- CCTV
  - Relocation of the machines
  - Door buzzers
  - Remote cut-off switches
  - Training provision
  - Any other factor considered relevant

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

## 23 Tracks

- 23.1 Section 353 of the Gambling Act defines a track as a horse racecourse, greyhound track or other premises on any part of which a race or other sporting event takes place or is intended to take place.
- 23.2 This ~~licensing-Licensing authority-Authority~~ is aware that tracks may be subject to one or more premises licence, provided each licence relates to a specified area of the track. As per the ~~Gambling Commission's~~ Guidance, this ~~licensing-Licensing authority-Authority~~ will especially consider the impact upon the third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.
- 23.3 This ~~authority-Authority~~ will therefore expect the premises licence applicant to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, but that they are still prevented from entering areas -where gaming machines (other than category D machines) are provided.
- 23.4 This ~~licensing-Licensing authority-Authority~~ may consider measures to meet the licensing objectives such as:
- CCTV
  - Location of entry
  - Notices / signage
  - Physical separation of areas
  - Proof of age schemes
  - Provision of information leaflets / helpline numbers for organisations such as Gamcare
  - Self-exclusion schemes
  - Specific opening hours
  - Supervision of entrances / machine areas

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

### Gaming Machines

- 23.5 Where the applicant holds a pool betting operating licence and is going to use the entitlement to four gaming machines, ~~the~~ machines (other than category D machines) should be located in areas from which children are excluded.
- 23.6 Applicants are advised to consult the ~~Gambling Commission~~ Guidance on where gaming machines may be located on tracks and any special considerations that should apply in relation, for example, to supervision of the machines and preventing children from playing them. This ~~licensing-Licensing authority-Authority~~ will also, in line with the ~~Gambling Commission~~ Guidance, consider the location of gaming machines at tracks.



## Applications and Plans

- 23.7 The Gambling Act (s51) requires applicants to submit plans of the premises with their application, in order to ensure that the licensing authority has the necessary information to make an informed judgement about whether the premises are fit for gambling. The plan will also be used for the licensing authority to plan future premises inspection activity.
- 23.8 Plans for tracks do not need to be in a particular scale, but should be drawn to scale and should be sufficiently detailed to include the information required by regulations.
- 23.9 This ~~authority~~ Authority appreciates that it is sometimes difficult to define the precise location of betting areas on tracks. The precise location of where betting facilities are provided is not required to be shown on track plans, both by virtue of the fact that betting is permitted anywhere on the premises and because of the difficulties associated with pinpointing exact locations for some types of track. Applicants should provide sufficient information that this ~~authority~~ Authority can satisfy itself that the plan indicates the main areas where betting might take place.

## 24 Travelling Fairs

- 24.1 Where category D machines and / or equal chance prize gaming without a permit is to be made available, this Licensing Authority will be responsible for deciding whether the gambling forms ancillary amusement.
- 24.2 This ~~e-licensing authority~~ Authority will also consider whether the applicant falls within the statutory definition of a travelling fair.
- 24.3 It is noted that the 27-day statutory maximum for the land being used as a fair, is on a calendar year basis, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. This ~~licensing-Licensing authority~~ Authority will work with its neighbouring authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded.

## 25 Provisional Statements

- 25.1 Developers may wish to apply to this ~~authority~~ Authority for provisional statements before entering into a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to obtain a premises licence. There is no need for the applicant to hold an operating licence in order to apply for a provisional statement.
- 25.2 Section 204 of the Gambling Act provides for a person to make an application to ~~the~~ a licensing authority for a provisional statement in respect of premises that he or she:
- expects to be constructed;
  - expects to be altered; or
  - expects to acquire a right to occupy.
- 25.3 The process for considering an application for a provisional statement is the same as that for

a premises licence application. The applicant is obliged to give notice of the application in the same way as applying for a premises licence. Responsible ~~authorities~~ Authorities and interested parties may make representations and there are rights of appeal.

25.4 In contrast to the premises licence application, the applicant does not have to hold or have applied for an operating licence from the Gambling Commission (except in the case of a track) and they do not have to have a right to occupy the premises in respect of which their provisional application is made.

25.5 The holder of a provisional statement may then apply for a premises licence once the premises are constructed, altered or acquired.

25.6 This ~~e licensing~~ Licensing authority ~~Authority~~ will be constrained in the matters it can consider when determining the premises licence application, and in terms of representations about premises licence applications that follow the grant of a provisional statement, no further representations from ~~relevant~~ responsible authorities or interested parties can be taken into account unless:

- they concern matters which could not have been addressed at the provisional statement stage, or
- they reflect a change in the applicant's circumstances.

25.7 In addition, this ~~e authority~~ Authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

- which could not have been raised by objectors at the provisional statement stage;
- which in the authority's opinion reflect a change in the operator's circumstances; or
- ~~where the premises has not been constructed~~ in accordance with the plan submitted with the application. This must be a substantial change to the plan and this ~~licensing~~ Licensing authority ~~Authority~~ notes that it can discuss any concerns it has with the applicant before making a decision.

## 26 Reviews

26.1 Requests for a review of a premises licence can be made by interested parties or ~~responsible~~ Responsible authorities ~~Authorities~~, however, it is for this ~~licensing~~ Licensing authority ~~Authority~~ to decide whether the review is to be carried-out. This will be on the basis of whether the request for the review is relevant to the matters listed below:

- in accordance with any relevant code of practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives; and
- in accordance with the ~~authority's~~ Authority's Statement of Principles.

26.2 The request for the review will also be subject to the consideration by this ~~e authority~~ Authority as to whether the request is frivolous, vexatious, or whether it will certainly not cause this ~~authority~~ Authority to wish to alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review.

26.3 This ~~e licensing~~ Licensing authority ~~Authority~~ can also initiate a review of a particular premises

licence, or a particular class of premises licence on the basis of any reason which it thinks is appropriate.

- 26.4 Once a valid application for a review has been received by ~~this e-licensing authority~~Authority, representations can be made by ~~responsible~~Responsible authorities Authorities and interested parties during a 28 day period. This period begins 7 days after the application was received by the ~~licensing authority~~Authority, who will publish notice of the application within 7 days of receipt.
- 26.5 The ~~licensing authority~~Authority must carry out the review as soon as possible after the 28 day period for making representations has passed.
- 26.6 The purpose of the review will be to determine whether the ~~licensing authority~~Authority should take any action in relation to the licence. If action is justified, the options open to ~~this e-licensing~~Licensing authority Authority are:-
- (a) add, remove or amend a licence condition imposed by the ~~licensing authority~~Authority;
  - (b) exclude a default condition imposed by the Secretary of State (e.g. opening hours) or remove or amend such an exclusion;
  - (c) suspend the premises licence for a period not exceeding three months; and
  - (d) revoke the premises licence.
- 26.7 In determining what action, if any, should be taken following a review, ~~the this licensing authority~~Authority must have regard to the principles set out in section 153 of the Act, as well as any relevant representations.
- 26.8 In particular, the ~~licensing authority~~Authority may also initiate a review of a premises licence on the grounds that a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.
- 26.9 Once the review has been completed, ~~this e-licensing~~Licensing authority Authority must, as soon as possible, notify its decision to:
- the licence holder<sub>;</sub>
  - the applicant for review (if any)<sub>;</sub>
  - the Gambling Commission<sub>;</sub>
  - any person who made representations<sub>;</sub>
  - the chief officer of police or chief constable; and
  - Her Majesty's Commissioners for Revenue and Customs<sub>.</sub>

## **Part C - Permits / Temporary & Occasional Use Notice**

### **27 Unlicensed Family Entertainment Centre Gaming Machine Permits**

- 27.1 Where a premises does not hold a ~~Premises~~~~premises Licence~~~~licence~~ but wishes to provide category D gaming machines, it may apply to ~~this e-licensing~~~~Licensing authority~~~~Authority~~ for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use. The permit cannot therefore be granted for an entire shopping centre or bowling alley, for example. Additional information on the documents required for these permits (i.e. plans) is provided in paragraph 27.11 below.
- 27.2 The premises are 'unlicensed' in that they do not require a premises licence but do require a permit. It should not be confused with a 'licensed family entertainment centre' which does require a premises licence because it contains both category C and D gaming machines.
- 27.3 The Gambling Act states that a licensing authority may prepare a statement of principles that they propose to consider in determining the suitability of an applicant for a permit and in preparing this statement, and/or considering applications, it may not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Gambling Commission. The ~~Gambling Commission's~~~~Guidance to licensing authorities~~ also states: "A licensing authority may include a statement of principles that it proposes to apply when exercising its functions in considering applications for permits."
- 27.4 ~~The~~ Guidance also states: "An application for a permit may be granted only if the licensing authority is satisfied that the premises will be used as an unlicensed FEC, and if the chief officer of police has been consulted on the application. . . . Licensing authorities might wish to consider asking applicants to demonstrate:
- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
  - that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act); and
  - that staff are trained to have a full understanding of the maximum stakes and prizes.
- 27.5 It should be noted that a licensing authority cannot attach conditions to this type of permit.

#### **Statement of Principles**

- 27.6. ~~This~~ ~~licensing~~~~Licensing authority~~~~Authority~~ has adopted a Statement of Principles in accordance with Paragraph 7 of Schedule 10 of the Act and they are for the purposes of clarifying the measures that ~~this e-council~~~~Authority~~ will expect applicants to demonstrate when applying for a permit for an unlicensed family entertainment centre. This will allow the ~~Authority~~~~council~~ to better determine the suitability of the applicant and the premises for a permit.
- 27.7 The ~~principles~~~~Principles~~ that this ~~authority~~~~Authority~~ intends to adopt will require the applicant to show there are policies and procedures in place to protect children from harm and protect vulnerable persons.

## Child Protection Issues

27.8 Harm in this context is not limited to harm from gambling but includes wider child protection considerations. This ~~e-council~~ [Authority](#) will assess these policies and procedures on their merits, and they should (depending on the particular permit being applied for) include appropriate measures / training for staff relating to the following:

- ~~maintain~~ [Maintain](#) contact details for any local schools and / or the education authority so that any truant children can be reported.
- ~~employ~~ [Employ](#) policies to address the problems associated with truant children who may attempt to gain access to the premises and gamble when they should be at school.
- ~~employ~~ [Employ](#) policies to address any problems that may arise during seasonal periods where children may frequent the premises in greater numbers, such as half terms and summer holidays.
- ~~maintain~~ [Maintain](#) information at the premises of the term times of any local schools in the vicinity of the premises and also consider policies to ensure sufficient staffing levels during these times.
- ~~display~~ [Display](#) posters displaying the 'Child Line' (or equivalent) phone number in discreet locations on the premises e.g. toilets.
- ~~maintain~~ [Maintain](#) an incident register of any problems that arise on the premises related to children such as children gambling excessively, truant children, children being unruly or young unaccompanied children entering the premises. (The register should be used to detect any trends which require attention by the management of the premises.)
- ~~ensure~~ [Ensure](#) all young children are accompanied by a responsible adult.
- Maintain policies to deal with any young children who enter the premises unaccompanied.
- ~~The provision of~~ [Provide](#) satisfactory basic disclosure checks (criminal records checks) for all staff who will be working closely with children.

NB: Any supporting evidence of the above measures e.g. training manuals or other similar documents/written statements should be attached to the application.

## Protection of Vulnerable Persons Issues

27.9 This ~~e-council~~ [Licensing Authority](#) will expect the applicant to show that there are policies and procedures in place to protect vulnerable persons. Applicants should refer to the section in the ~~council's~~ [Authority's](#) 'Statement of Licensing Policy under the Gambling Act' [final-statement-of-principles-for-publishing.pdf \(middevon.gov.uk\)](#) to familiarise themselves with who the ~~council~~ [Authority](#) considers vulnerable. The ~~council~~ [Authority](#) will assess these policies and procedures on their merits, however, they may (depending on the particular permit being applied for) include appropriate measures / training for staff relating to the following:

- display Gamcare helpline stickers on all gaming machines
- display Gamcare posters in prominent locations on the premises
- training for staff members which focuses on building an employee's ability to maintain a sense of awareness of how much (e.g. how long) customers are gambling, as part of measures to detect persons who may be vulnerable
- consider appropriate positioning of ATM and change machines (including the display of Gamcare stickers on any such machines.)

NB: Any supporting evidence of the above measures e.g. training manuals or other similar

documents/written statements should be attached to the application.

## Other miscellaneous issues

27.10 The applicant should also be mindful of the following possible control measures (depending on the particular permit being applied for) to minimise crime and disorder and the possibility of public nuisance:

- maintain an effective CCTV system to monitor the interior and exterior of the premises
- keep the exterior of the premises clean and tidy
- ensure that external lighting is suitably positioned and operated so as not to cause nuisance to neighbouring or adjoining premises
- consider the design and layout of the outside of the premises to deter the congregation of children and youths.

NB: Any supporting evidence of the above measures e.g. training manuals or other similar documents/written statements should be attached to the application.

## Supporting documents

27.11 ~~The~~ This licensing ~~Licensing authority~~ Authority will require the following supporting documents to be served with all uFEC gaming machine permit applications:

- ~~proof~~ Proof of age (a certified copy or sight of an original birth certificate, a photo style driving licence, or passport – all applicants for these permits must be aged 18 or over).
- ~~proof~~ Proof that the applicant has the right to occupy the premises. Acceptable evidence would be a copy of any lease, a copy of the property's deeds or a similar document.
- ~~the~~ The result of a criminal records basic disclosure [criminal conviction certificate] (the disclosure must have been issued within the previous month). This will be used to check that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act.)  
—Basic Disclosures can be obtained from ~~the~~ the ~~Disclosure and Barring Service~~ Disclosure and Barring Service. For further details visit the website <https://www.gov.uk/government/publications/basic-checks>.
- In the case of applications for an uFEC gaming machine permit evidence that the machines to be provided are or were supplied by a legitimate gambling machine supplier or manufacturer who holds a valid gaming machine technical operating licence issued by the Gambling Commission.
- A plan of the premises for which the permit is sought showing the following items:
  - a) the boundary of the building with any external or internal walls, entrances and exits to the building and any internal doorways
  - b) where any category D gaming machines are positioned and the particular type of machines to be provided (e.g. slot machines, penny-falls, cranes)
  - c) the positioning and types of any other amusement machines on the premises
  - d) the location of any fixed or semi-fixed counters, booths or offices on the premises whereby staff monitor the customer floor area
  - e) the location of any ATM/cash machines or change machines
  - f) the location of any fixed or temporary structures such as columns or pillars
  - g) the location and height of any stages in the premises; any steps, stairs, elevators, balconies or lifts in the premises
  - h) the location of any public toilets in the building

Unless otherwise agreed with ~~the council~~ [this Licensing Authority](#), the plan should be drawn to a standard scale with a key showing the items mentioned above. The standard scale is 1:100.

27.12 Within this process the ~~council~~ [Authority](#) will aim to grant the permit where the applicant is able to demonstrate that:

- they are a fit and proper person to hold the permit,
- they have considered and are proposing suitable measures to promote the licensing objectives, and
- they have a legal right to occupy the premises to which the permit is sought.

27.13 The measures suggested in this document should be read as guidance only and ~~the council~~ [this Authority](#) will be happy for applicants to suggest measures above and beyond those listed in the document and or to substitute measures as appropriate, based on the individual merits of the case.

~~27.14 A guidance document in respect of the expectations of the licensing authority in respect of compliance inspections for these permits is available at: TBC.~~

## 28 (Alcohol) Licensed premises gaming machine permits

### Automatic Entitlement to Two Machines

28.1 There is provision in the Gambling Act 2005 for premises licensed to sell alcohol for consumption on the premises, to automatically have 2 gaming machines, of categories C and/or D. The premises merely need [s](#) to notify the licensing authority.

28.2 The holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine. A copy of the relevant Code can be found here: <http://www.gamblingcommission.gov.uk/pdf/code-of-practice-for-gaming-machines-in-clubs-and-premises-with-an-alcohol-licence.pdf><https://www.gamblingcommission.gov.uk/authorities/codes-of-practice/guide/page/section-c-gaming-machines-in-clubs-and-premises-with-an-alcohol-licence>.

28.3 The licensing authority can remove the automatic authorisation in respect of any particular premises if:

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act
- the premises are mainly used for gaming; or
- an offence under the Gambling Act has been committed on the premises

### Permit for Three or More Machines

28.4 If a premises wishes to have more than 2 machines, then it needs to apply for a permit and ~~this e~~ [licensing Licensing authority Authority](#) must consider that application based on the licensing objectives, any guidance issued by the Gambling Commission and “other such



matters as the Authority think relevant.”

- 28.5 This ~~licensing-Licensing authority~~ Authority considers that “~~other~~ such matters” will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harm or being exploited by gambling. The applicant will be expected to demonstrate that- there will be sufficient measures in place to ensure that under 18 year olds do not have access to the adult only gaming machines.
- 28.6 Measures may include the adult machines being in sight of the bar, or in sight of staff who will monitor the machines to ensure they are not being used by those under 18. Notices and signage may also be helpful. With regards to the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets / helpline numbers for organisations such as Gamcare.
- 28.7 It should be noted that the ~~licensing authority~~ Authority could decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.

Applicants should be aware that only those premises which have a ‘bar’ (servery) at which alcohol is sold for consumption on the premises will be eligible for a machine in the bar area of the premises. This means that premises such as restaurants or even hairdressers which do not have a bar for serving drinks or can only sell alcoholic drinks as an ancillary to food ~~will~~ fall outside the scope of this section of the Gambling Act.

## 29 Prize Gaming Permits

- 29.1 The Gambling Act states that a licensing authority may “prepare a statement of principles that they propose to apply in exercising their functions under ~~this Schedule~~” which “may, in particular, specify matters that the licensing authority proposes to consider in determining the suitability of the applicant for a permit”.
- 29.2 This ~~licensing-Licensing authority~~ Authority will expect the applicant to set out the types of gaming that he or she is intending to offer and the applicant should be able to demonstrate:
- that they understand the limits to stakes and prizes that are set out in Regulations;
  - that the gaming offered is within the law; and
  - clear policies that outline steps to be taken to protect children from harm.
- 29.3 In making its decision on an application for this permit ~~this e-licensing-Licensing authority~~ Authority does not need to (but may) have regard to the licensing objectives but must have regard to any Gambling Commission guidance.
- 29.4 It should be noted that there are conditions in the Gambling Act with which the permit holder must comply, but the licensing authority cannot attach conditions.

The conditions in the Act are:

- the limits on participation fees, as set out in regulations, must be complied with;
- all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
- the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
- participation in the gaming must not entitle the player to take part in any other gambling.

## 30 Club Gaming and Club Machines Permits

- 30.1 ~~Members Clubs (but not Commercial Clubs) may apply for a Club Gaming Permit or a Club Gaming Machine permit. The Club Gaming Permit will enable the premises to provide no more than 3 gaming machines from categories B3A, B4, C or D (but only one B3A machine can be sited as part of this entitlement), equal chance gaming and games of chance as prescribed in regulations. A Club Gaming Machine permit will enable the premises to provide no more than 3 gaming machines from categories B3A, B4, C and D. Members Clubs (but not Commercial Clubs) may apply for a Club Gaming Permit or a Club Machine permit. The Club Gaming Permit will enable the premises to provide no more than 3 gaming machines from categories B3A, B4, C or D (but only one B3A machine can be sited as part of this entitlement), equal chance gaming and games of chance as prescribed in regulations. A Club Machine permit will enable the premises to provide no more than 3 gaming machines from categories B3A, B4, C and D (but only one B3A machine can be sited as part of this entitlement). Commercial Clubs are not permitted to provide non-machine gaming (other than exempt gaming under section 269 of the Gambling Act 2005) and should apply for a club machine permit, however, this permit will not allow the Commercial Club to site category B3A gaming machines.~~
- 30.2 The Act states that members clubs must have at least 25 members and be established and conducted "wholly or mainly" for purposes other than gaming, unless the gaming is restricted to that of a prescribed kind (currently bridge and whist). A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations."
- 30.3 The ~~Gambling G a m b l i n g Commission~~ Guidance also notes "licensing authorities may only refuse an application on the grounds that:
- (a) the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
  - (b) the applicant's premises are used wholly or mainly by children and/or young persons;
  - (c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
  - (d) a permit held by the applicant has been cancelled in the previous ten years; or
  - (e) an objection has been lodged by the Gambling Commission or the police."
- 30.4 In determining whether a club is a genuine members' club, the licensing authority may take account a number of matters, including the following:

- Is the primary purpose of the club's activities something other than the provision of gaming to its members? This is an indicator that it's a genuine members' club.
- Are the profits retained in the club for the benefit of the members? This is the key difference between a members' club and a commercial club.
- Are there 25 or more members? This is the amount of members a club has to have to qualify.
- Are there genuine domestic addresses on the register of members? Are domestic addresses listed for every member? Are members local to the club? These are all indicators that the member lists are bona fide and are made up of genuine members.
- Do members participate in the activities of the club via the internet? It is less likely to be a genuine members' club if this is the case.
- Do guest arrangements link a member to every guest? Is there evidence of a signing-in register for guests? Guests must be genuine guests of members and not members of the general public.
- Is the 48 hour rule between applying for membership and participating in any gaming properly applied? This is an indication that the club has a proper membership scheme. This requirement does not apply to commercial clubs.
- Are there annual accounts for more than one year? This would indicate that the club is permanent in nature, rather than temporary.
- How is the club advertised and listed in directories, including on the internet? If the club is categorised under 'gaming' or 'poker', it is less likely to be genuine members' club.
- What information is provided on the club's website? This can be a useful source of information about the club.
- Are children permitted into the club? Appropriate access to the premises by children may indicate that it is less likely that the club is primarily for gambling activities.
- Does the club have a constitution and can it provide evidence that the constitution was approved by the members of the club? This provides further evidence that it is a properly constituted members' club.
- Is there a list of committee members and evidence of their election by the members of the club? Can the club provide minutes of committee and other meetings? These are further evidence that the club is a properly constituted members' club.

30.5 There is also a 'fast-track' procedure available under the Act for premises which hold a Club Premises Certificate under the Licensing Act 2003. The [Gambling Commission's Guidance to licensing authorities](#) states: "Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the ground upon which an authority can refuse a permit are reduced,". The grounds on which an application may be refused are:

- (a) that the club is established primarily for gaming, other than gaming prescribed under schedule 12;
- (b) that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
- (c) that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled."

30.6 There are statutory conditions on club gaming permits that no child uses a category B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines. A copy of the relevant Code can be found here: <http://www.gamblingcommission.gov.uk/pdf/code-of-practice-for->

## 31 Temporary Use Notices

- 31.1 Temporary use notices allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for a temporary use notice, according to the Gambling Commission, would include hotels, conference centres and sporting venues.
- 31.2 The licensing authority can only grant a temporary use notice to a person or company holding a relevant operating licence, i.e. a non-remote casino operating licence.
- 31.3 The Secretary of State has the power to determine what form of gambling can be authorised by temporary use notices, and at the time of writing this Statement the relevant regulations (SI no 3157: The Gambling Act (Temporary Use Notices) Regulations 2007) state that temporary use notices can only be used to permit the provision of facilities or equal chance gaming, where the gaming is intended to produce a single winner, which in practice means poker tournaments.
- 31.4 There are a number of statutory limits as regards temporary use notices. The meaning of "premises" in Part 8 of the Act is discussed in Part 7 of the [Gambling Commission Guidance to Local Authorities](#). As with "premises", the definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In the Act "premises" is defined as including "any place".
- 31.5 In considering whether a place falls within the definition of "a set of premises", the licensing authority needs to look at, amongst other things, the ownership/occupation and control of the premises.
- 31.6 The same set of premises may not be the subject of a Temporary Use Notice for more than 21 days in any 12 month period, but may be the subject of several Notices provided that the total does not exceed 21 days.

## 32 Occasional Use Notices

- 32.1 Occasional use notices enable betting on a track for up to eight days a year without a premises licence. Additional information on them can be found here: <http://www.gamblingcommission.gov.uk/for-gambling-businesses/Compliance/Sector-specific-compliance/Betting/Occasional-Use-Notices-OUNs.aspx><https://www.gamblingcommission.gov.uk/authorities/guide/occasional-use-notices-ouns>.
- 32.2 The licensing authority has very little discretion with these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. This [licensing-Licensing authority-Authority](#) will consider the definition of a 'track' and whether the applicant is permitted to serve the notice.

## 33 Small Society Lotteries

- 33.1 These are lotteries operated by non-commercial societies, as defined in Section 19 of the Act, which states that a society is non-commercial if it is established and conducted:
- for charitable purposes, as defined in s.2 of the Charities Act 2006
  - for the purpose of enabling participation in, or of supporting, sport, athletics or a cultural activity
  - for any other non-commercial purpose other than that of private gain
- 33.2 The promoting society of a small society lottery must, throughout the period during which the lottery is promoted, be registered with a licensing authority. The licensing authority with which a small society lottery is required to register must be in the area where their principal office is located. If the [Authority-authority](#) believes that a society's principal office is situated in another area, it will inform the society and the other relevant authority as soon as possible.
- 33.3 The Gambling Act requires that a minimum proportion of the money raised by the lottery is channeled to the goals of the society that promoted the lottery. If a small society lottery does not comply with the following limits it will be in breach of the Act's provisions, and consequently be liable to prosecution:
- at least 20% of the lottery proceeds must be applied to the purposes of the society
  - no single prize may be worth more than £25,000
  - rollovers between lotteries are only permitted where every lottery affected is also a small society lottery promoted by the same society, and the maximum single prize is £25,000
  - every ticket in the lottery must cost the same and the society must take payment for the ticket fee before entry into the draw is allowed
- 33.4 A small society lottery must send financial returns to the licensing authority with which it is registered, following each lottery held. This information allows the licensing authority to assess whether financial limits are being adhered to and to ensure that any money raised is applied for the proper purpose.
- 33.5 The following information must be submitted as part of the return:
- the arrangements for the lottery – specifically the date on which tickets were available for sale or supply, the dates of any draw and the value of prizes, including any donated prizes and any rollover
  - the total proceeds of the lottery
  - the amounts deducted by the promoters of the lottery in providing prizes, including prizes in accordance with any rollovers
  - the amounts deducted by the promoters of the lottery in respect of costs incurred in organising the lottery
  - the amount applied to the purpose for which the promoting society is conducted (this must be at least 20% of the proceeds)
  - whether any expenses incurred in connection with the lottery were not paid for by deduction from the proceeds, and, if so, the amount of expenses and

the sources from which they were paid.

33.6 The Act also requires that returns must:

- be sent to the licensing authority no later than three months after the date of the lottery draw, or in the case of 'instant lotteries' (scratch cards) within three months of the last date on which tickets were on sale
- be signed (electronic signatures are acceptable if the return is sent electronically) by two members of the society, who must be aged eighteen or older, are appointed for the purpose in writing by the society or, if it has one, its governing body, and be accompanied by a copy of their letter or letters of appointment.

## **Appendix A - Responsible Authorities Contacts List**

|                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b><u>Licensing Authority</u></b><br><b><u>Mid Devon District Council</u></b><br><u>Licensing Section</u><br><u>Phoenix House</u><br><u>Phoenix Lane</u><br><u>Tiverton</u><br><u>Devon EX16 6PP</u><br><u>Telephone: 01884 255255</u><br><u>Email: <a href="mailto:licensing@middevon.gov.uk">licensing@middevon.gov.uk</a></u> | <b><u>Devon &amp; Cornwall Constabulary</u></b><br><u>Licensing Hub</u><br><u>Devon &amp; Cornwall Police</u><br><u>Moorland Road</u><br><u>Launceston</u><br><u>PL15 7HY</u><br><u>Email: <a href="mailto:licensing.team@devonandcornwall.pnn.police.uk">licensing.team@devonandcornwall.pnn.police.uk</a></u><br><u>-</u>                                    |
| <b><u>Devon Fire &amp; Rescue Service</u></b><br><u>Middlemoor Fire Station</u><br><u>Sidmouth Road</u><br><u>Exeter</u><br><u>EX2 7AP</u><br><u>Email: <a href="mailto:centraleastprotection@dsfire.gov.uk">centraleastprotection@dsfire.gov.uk</a></u>                                                                         | <b><u>Devon County Council - Child Protection Checks</u></b><br><u>Devon County Council Room 235</u><br><u>County Hall</u><br><u>Topsham Road</u><br><u>Exeter</u><br><u>EX2 4QD</u><br><u>Telephone: 01392 383000</u><br><u>Email: <a href="mailto:childprotectioncheckssecure-mailbox@devon.gov.uk">childprotectioncheckssecure-mailbox@devon.gov.uk</a></u> |
| <b><u>HM Revenue and Customs</u></b><br><u>National Registration Unit</u><br><u>Excise Processing Teams</u><br><u>BX9 1GL</u><br><u>Email: <a href="mailto:nrubetting&amp;gaming@hmrc.gsi.gov.uk">nrubetting&amp;gaming@hmrc.gsi.gov.uk</a></u>                                                                                  | <b><u>The Gambling Commission</u></b><br><u>Victoria Square House</u><br><u>Victoria Square</u><br><u>Birmingham</u><br><u>B2 4BP</u><br><u>Email: <a href="mailto:info@gamblingcommission.gov.uk">info@gamblingcommission.gov.uk</a></u>                                                                                                                      |
| <b><u>Mid Devon District Council</u></b><br><b><u>Environmental Health Services</u></b><br><u>Phoenix House</u><br><u>Phoenix Lane</u><br><u>Tiverton</u><br><u>Devon EX16 6PP</u><br><u>Telephone: 01884 255255</u><br><u>E-mail: <a href="mailto:Health@middevon.gov.uk">Health@middevon.gov.uk</a></u>                        | <b><u>Mid Devon District Council</u></b><br><b><u>Planning Services</u></b><br><u>Phoenix House</u><br><u>Phoenix Lane</u><br><u>Tiverton</u><br><u>Devon EX16 6PP</u><br><u>Telephone: 01884 255255</u><br><u>Email: <a href="mailto:dcregistration@middevon.gov.uk">dcregistration@middevon.gov.uk</a></u>                                                   |

### **~~1) The Licensing Authority~~**

~~Mid Devon District Council Phoenix  
House~~

~~Phoenix Lane~~

~~Tiverton Tel: 018884 255 255~~

~~EX16 6PP E-mail: [licensing@middevon.gov.uk](mailto:licensing@middevon.gov.uk)~~

### **~~2) The Gambling Commission~~**

~~Victoria Square House~~

~~Victoria Square~~

~~Birmingham Tel: 0121 233 1058~~

~~B2 4BP Email: [info@gamblingcommission.gov.uk](mailto:info@gamblingcommission.gov.uk)~~

### **~~3) Her Majesty's Revenue and Customs~~**

~~Processing Teams, BX9 1GL~~

~~Tel: 0141 555 3633~~

~~Email: [nrubetting&gaming@hmrc.gsi.gov.uk](mailto:nrubetting&gaming@hmrc.gsi.gov.uk)~~

### **~~4) Child Protection~~**

~~Local Safeguarding Children's~~

~~Follaton House, Plymouth Road~~

~~Totnes~~

~~Devon Tel: 01392 386067~~

~~TQ9 5RS Email: [cpchecks@devon.gov.uk](mailto:cpchecks@devon.gov.uk)~~



### **~~5) Devon & Cornwall Constabulary~~**

~~Licensing Department (East)  
Devon & Cornwall Police HQ  
Middlemoor  
EXETER EX2  
7HQ  
Non-urgent calls: 01392 452225  
Fax: 01392 452447  
Email:-~~

### **~~6) Devon and Somerset Fire & Rescue Service~~**

~~Central Command (East)  
Middlemoor Fire Station  
Sidmouth Road  
EXETER EX2  
7AP  
Tel: 01392 872200  
Fax: 01392 266839  
<http://dsfire.gov.uk/index.cfm?siteCategoryId=1>~~

### **~~7) Environmental Health Department~~**

~~Mid Devon District Council Phoenix  
House  
Phoenix Lane  
Tiverton EX16  
6PP  
Tel: 01884 255 255  
E-mail: [ehadmin@middevon.gov.uk](mailto:ehadmin@middevon.gov.uk)~~

### **~~8) Planning & Building Control~~**

~~Mid Devon District Council Phoenix  
House  
Phoenix Lane  
Tiverton EX16  
6PP  
Tel: 01884 255255  
Email for Planning: [devcon@middevon.gov.uk](mailto:devcon@middevon.gov.uk)  
Email for Building Control: [bcont@middevon.gov.uk](mailto:bcont@middevon.gov.uk)~~

## **Appendix B: Additional links for machine provisions, machine categories and gaming entitlements**

### **Summary of machine provisions by premises:**

<http://www.gamblingcommission.gov.uk/for-licensing-authorities/GLA/Appendix-A-Summary-of-machine-provisions-by-premises.aspx>

### **Summary of gaming machine categories and entitlements**

<http://www.gamblingcommission.gov.uk/for-licensing-authorities/GLA/Appendix-B-Summary-of-gaming-machine-categories-and-entitlements.aspx>

### **Summary of gaming entitlements for clubs and alcohol-licensed premises**

<http://www.gamblingcommission.gov.uk/for-licensing-authorities/GLA/Appendix-C-Summary-of-gaming-entitlements-for-clubs-and-alcohol-licensed-premises.aspx>



## GAMBLING ACT 2005

### **NOTICE OF PUBLICATION - STATEMENT OF PRINCIPLES**

Notice is hereby given that in pursuance of Section 349 of the Gambling Act 2005 and in accordance with The Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006, Mid Devon District Council (the Council) will publish on **20 December 2021** a revised Statement of Principles to be applied by the Council in the exercise of its licensing functions under the Gambling Act 2005.

The revised Statement of Principles, which will come into effect on **31 January 2022** and last until **30 January 2025**, was approved by the Council on **15 December 2021**.

The Statement of Principles can be viewed on the Council's website here: **<LINK TO MDDC WEB PAGE to be inserted>**

And at the following Public Libraries:

- The Hayridge, Devon Centre, Exeter Hill, Cullompton, Devon, EX15 1DJ
- Belle Parade, Crediton, Devon, EX17 2AA

**A hard copy will also be available for inspection during current opening hours\* at the Council Offices: Mid Devon District Council, Phoenix House, Phoenix Lane, Tiverton, Devon, EX16 6PP.**

**\*Please note that our opening hours at Phoenix House remain subject to restriction due to the Covid pandemic. For the latest information please go to**

**<https://www.middevon.gov.uk/your-council/customer-services/contact-details-and-opening-hours> or call 01884 255255 before you arrive.**

## **MID DEVON DISTRICT COUNCIL**

**MINUTES** of a **MEETING** of the **REGULATORY COMMITTEE** held on 3 December 2021 at 11.30 am

### **Present**

#### **Councillors**

J Cairney (Chairman)  
J Bartlett, R J Chesterton,  
Mrs F J Colthorpe, D R Coren, D J Knowles,  
Mrs E J Slade and L D Taylor

### **Apologies**

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

Mrs E M Andrews, J M Downes, Miss J Norton and  
S J Penny

### **Also Present**

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

Simon Newcombe (Corporate Manager for Public Health, Regulation and Housing), Deborah Sharpley (Solicitor), Joanne Pope (Commercial Team Leader Public Health), Thomas West (Covid 19 Compliance Officer) and Carole Oliphant (Member Services Officer)

## **15 APOLOGIES AND SUBSTITUTE MEMBERS (02.26)**

Apologies were received from Cllr Mrs E M Andrews, Cllr J Downes, Cllr Miss J Norton and Cllr S J Penny

## **16 DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (02.45)**

Members were reminded of the need to make declarations where appropriate

## **17 PUBLIC QUESTION TIME (02.55)**

There were no members of the public present.

## **18 MINUTES OF THE PREVIOUS MEETING (03.03)**

The minutes of the last meeting were agreed as a true record and duly **SIGNED** by the Chairman

## **19 THE HACKNEY CARRIAGE AND PRIVATE HIRE POLICY (03.34)**

The Commercial Team Leader Public Health gave the following update:

Hackney Carriage and Private Hire Policy:

In the context of updating Committee on enforcement activities, a brief update regarding the Hackney Carriage and Private Hire Policy which was due for its 3 yearly review, was given. As Members were aware, the Policy was to regulate the provision of a robust taxi and private hire licensing system, which ensured that the

public travelled safely, received a good level of service and that drivers and operators were not overly burdened by unnecessary conditions.

A number of important updates and policy amendments were required to be included in the review. Given the recent Covid pandemic and other pressing licensing commitments, officers had decided on a plan which meant taking the review out for consultation in the New Year.

The timeline recommended was to have 2 Regulatory Committee meetings, one on 8th April, whereby officers wanted to consult with the Committee to discuss and obtain agreement about taking the proposed policy revisions out for consultation with the trade.

Following this consultation officers would then take the revised policy to the Committee in early June for recommendation to Council in June/July.

As the policy did not expire Members were assured it would be preferential to look at the plan so that officers could be confident they could address all the requirements for the review in a timely manner.

As part of this review officers would include a reference to the new tax conditionality checks that impacted on Hackney Carriage and Private Hire drivers (and Scrap Metal dealers), which would come into force from 4 April 2022. With regard to the legislation however, there was no immediacy for this policy addition.

Officers were also shortly going to be trialling DAVIS by encouraging take up on a voluntary basis but which would become compulsory when officers reviewed the policy next year. An explanation of DAVIS and how it would assist both the trade and the Council in relation to checking of the necessary information for Hackney Carriage and Private Hire licensing purposes was provided.

In July 2020 the Department for Transport introduced the Statutory Taxi and Private Hire Vehicle Standards. The report contained various recommendations that Licensing Authorities must have regard to and the DfT expected these recommendations to be implemented unless there was a compelling local reason not to. These Standards would also need to be included in the revised policy.

Given the revocation of an existing licence and refusal to grant a license following recent sub-committee hearings, officers were also keen to look at some parameters in the policy around timelines for reapplying for licences that had been revoked, something the current document did not refer to. Also officers wanted to look at inclusion of the NR3 register of taxi and PHV licence refusals and revocations. This was an important national step to tackling the issue of individuals making applications to different licensing authorities following a refusal or revocation. At the moment, if drivers did not disclose information about a previous revocation or refusal of a licence, there was often no way for a Council to find this information out.

There were also a number of recommendations that licensing legal specialist James Button had put forward for inclusion in the policy which would need to be reviewed. Officers had worked with James Button with regard a recent appeal and member training and he was an acknowledged expert on taxi licensing in particular.

Given the work involved in this policy review it was imperative that consultation throughout the process was sought, hence the decision to review after the New Year so that officers could focus time and resources to ensure it was comprehensive and complete.

Timetable:

Report to Leadership Team on Tuesday 29th March

Agenda to be published on Thursday 31st March

Special Meeting of the Regulatory Committee on Friday 8th April

The officer also mentioned that the Mobile Homes Act 2013 allowed for a fee regime to be implemented by the Council. To date, the Council had not implemented this scheme. However, the Mobile Homes (Requirement for Manager of site to be a Fit and Proper Person) (England) Regulations 2020 that were put into policy and placed before the Regulatory Committee on 27 September 2021 (and subsequently adopted by the Council), it was decided to look into creating a policy and fee regime for Mid Devon. It was confirmed that there were not many sites that would be affected in this District, perhaps 4 -6.

## 20 **ENFORCEMENT UPDATE (13.28)**

The Commercial Team Leader Public Health provided the following update:

### Hearings

- We had 2 enforcement issues with one applicant having his driver application refused. He had previously held a licence with us and this was revoked after we received a complaint of inappropriate messaging to young girls.
- The other was surrounding a fight that took place in Tiverton Town centre involving several licensed taxi drivers, this led to 3 being given formal warnings by the sub-committee for their behaviour and 1 had his licence revoked (under delegated powers) in the immediate interests of public safety.

### Animal Licences

- We have had 10 new applications in the last year all have been issued licences
- The renewals come in through the year but we have 14 due to expire at the end of the year of which we haven't received all the applications as yet.
- We have an application for a new breeder in progress
- A few complaints have been received regarding noise from barking or welfare issues which have been responded and one is ongoing

In response to a question asked by the Chairman the officer confirmed that training based on a mock hearing would be offered to all member of the Committee in the new year, and that training would be offered to all Members so that they could act as a substitute on Committee if required.

(The meeting ended at 12.05 pm)

**CHAIRMAN**



## **MID DEVON DISTRICT COUNCIL**

**MINUTES** of a **MEETING** of the **ELECTORAL REVIEW COMMITTEE** held on 9 November 2021 at 6.00 pm

### **Present Councillors**

R J Chesterton, S J Clist, Mrs F J Colthorpe,  
D R Coren, Mrs E J Lloyd, R F Radford,  
Mrs E J Slade, L D Taylor, A Wilce,  
Mrs N Woollatt and J Wright

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

C J Eginton

### **Also Present Officer(s):**

Jill May (Director of Business Improvement and Operations), Karen Trickey (District Solicitor and Monitoring Officer), Jackie Stoneman (Electoral Services Manager), James Stevens (Consultant) and Sally Gabriel (Member Services Manager)

#### **1 ELECTION OF A CHAIRMAN**

**RESOLVED** that Cllr Mrs F J Colthorpe be elected Chairman of the Committee.

#### **2 ELECTION OF A VICE CHAIRMAN**

**RESOLVED** that Cllr L D Taylor be elected Vice Chairman of the Committee.

#### **3 APOLOGIES**

Apologies were received from Cllr C J Eginton.

#### **4 PUBLIC QUESTION TIME**

There were no members of the public present.

#### **5 TERMS OF REFERENCE**

The Committee had before it a \* report considering the Terms of Reference (ToR) which set out both an overview of those matters that could be considered in carrying out a Community Governance Review, and the scope of the review that the Electoral Review Committee would be recommending to the Council.

The consultant outlined the contents of the report by way of presentation informing the meeting that in order to finalise the Terms of Reference, the Council would need to decide which elements of the community governance review that they wished to

include in any review, the main parameters of the review and the scope of such a review. He explained what the review could include:

- creating, merging, altering or abolishing parishes;
- the naming of parishes and the style of new parishes;
- the electoral arrangements for parishes (the ordinary year of election; council size; the number of councillors to be elected to council and parish warding); and,
- grouping parishes under a common parish council or de-grouping parishes.

A community governance review was required to take into account:

- the impact of community governance arrangements on community cohesion; and
- the size, population and boundaries of a local community or parish.

It was suggested that the review should consider:

- a) The existing electoral arrangements and boundaries of all parishes
- b) Parish warding – whether the parish should be divided into wards for the purpose of electing councillors. This would include considering the number of boundaries of any such wards, the number of councillors to be elected for any such ward and the name of any such ward.

Consideration was given to the fact that district ward boundaries had moved (following the boundary review) and that these had impacted on parish boundaries

The Committee then considered the timetable for the review as outlined in the report:

| Action                             | Timetable                                                        | Outline of Action                                                                                     |
|------------------------------------|------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------|
| Start Date                         | 15 December 2021                                                 | Council publishes the terms of reference in accordance with full Council decision on 15 December 2021 |
| Consultation                       | Two-month period starting with publication of terms of reference | Council invites representations from interested parties on the application                            |
| Draft proposals are prepared       | March to June 2022                                               | Draft proposals to be considered by the Electoral Review Committee                                    |
| Draft proposals are published      | By 31 July 2022                                                  | Council publishes draft proposals                                                                     |
| Consultation                       | Two-month period starting with publication of draft proposals    | Council invites representations from interested parties on the draft proposals                        |
| Final recommendations are prepared | September to December 2022                                       | Results of consultation considered by the Electoral Review Committee, who shall recommend the extent  |

|                    |                     |                                                              |
|--------------------|---------------------|--------------------------------------------------------------|
|                    |                     | to which the Council will give effect to the recommendations |
| Order made         | By 28 February 2023 | Council makes and publishes the community governance order   |
| Order takes effect | March 2023          | Dependant on the outcome and recommendations                 |

Discussion took place regarding:

- The consultation process that was proposed and whether such a consultation could be amalgamated with other consultations taking place at the same time.
- A request by the committee to consider the consultation pack prior to publication
- The list of consultees and whether to add others including those below and/or to ensure consistency in terms of the groups which should be consulted:
  - Citizens Advice
  - Blackdown Hills AONB
  - National Farmers Union
  - Young Farmers Clubs
  - Upper Culm Community Land Trust
  - Blackdown Hills Parish Network
  - Crediton Foodbank
  - The Heart of Devon Community Energy Group
  - Doctors surgeries
  - Community and Business Groups to include foodbank groups and churches
  - Gypsy and Travellers Liaison Groups
  - All schools and pre-school and not just some

It was therefore:

**RECOMMENDED** to Council that: the Terms of Reference be approved and published in respect of the commencement of a Community Governance Review process.

(Proposed by the Chairman)

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

(The meeting ended at 7.04 pm)

**CHAIRMAN**

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## ELECTORAL REVIEW COMMITTEE

9 NOVEMBER 2021

### COMMUNITY GOVERNANCE REVIEW – TERMS OF REFERENCE

**Cabinet Member(s):** Leader of the Council, Cllr Bob Deed]  
**Responsible Officer:** Jill May, Returning Officer

**Reason for Report:** To provide the Electoral Review Committee with an opportunity to review a draft Terms of Reference in order to start the process of a Community Governance Review.

**Recommendation:** That the Electoral Review Committee asks the approval of Council for a Terms of Reference to be published in respect of the commencement of a Community Governance Review process.

**Financial Implications:** £45k has been set aside in the budget to undertake this review.

**Budget and Policy Framework:** None arising directly from this report.

**Legal Implications:** Section 81 of the Local Government and Public Involvement in Health Act 2007 provides that it is for the Council to decide the terms of reference of any community governance review.

**Risk Assessment:** Local democracy and representation is impeded.

**Equality Impact Assessment:** No equality issues have been highlighted in this report.

**Relationship to Corporate Plan:** A Community Governance Review supports and facilitates local democracy and local representation.

**Impact on Climate Change:** No climate change issues have been highlighted in this report.

#### 1.0 Introduction/Background

- 1.1 At the meeting of the Council held on 25 August 2021 it was agreed that a Community Governance Review would be undertaken. It was further agreed that a cross party politically balanced group of twelve elected Members would be formed and this group would become the Electoral Review Committee.
- 1.2 The Electoral Review Committee would undertake the process of a CGR with the assistance of an external contractor.
- 1.3 The first step in the process of a CGR is the formulation and publishing of Terms of Reference which outlines what a review will look at and gives an outline timetable. Once published, consultees are invited to make comments on any changes they feel should take place in respect of parish boundaries or indeed reasons why they feel changes should not occur.

## 2.0 **First Committee Meeting**

2.1 The first meeting of the ERC will look at the draft Terms of Reference Appendix 1.

**Contact for more Information:** Jill May, Returning Officer  
(jmay@middevon.gov.uk)

**Circulation of the Report:** Electoral Review Committee, Leadership Team, Cabinet

**List of Background Papers:**

**Mid Devon District Council**  
**Community Governance Review (CGR) 2022**  
**Local Government and Public Involvement in Health Act 2007**  
**DRAFT Terms of Reference**

**1. Introduction**

**1.1 What is a community governance review?**

A community governance review is a review of the whole or part of the Council's area to consider one or more of the following:

- creating, merging, altering or abolishing parishes;
- the naming of parishes and the style of new parishes;
- the electoral arrangements for parishes (the ordinary year of election; council size; the number of councillors to be elected to council and parish warding); and,
- grouping parishes under a common parish council or de-grouping parishes.

A community governance review is required to take into account:

- the impact of community governance arrangements on community cohesion; and
- the size, population and boundaries of a local community or parish.

If the Council is satisfied that the recommendations from a community governance review would ensure that community governance within the area under review will reflect the identities and interests of the community in that area; and is effective and convenient, the Council makes a community governance order.

**1.2 Scope of the review**

The review will consider:

- (a) The existing electoral arrangements and boundaries of all parishes
- (b) Parish warding – whether the parish should be divided into wards for the purpose of electing councillors. This includes considering the number and boundaries of any such wards, the number of councillors to be elected for any such ward and the name of any such ward

All other matters that may be considered as part of a community governance review are out of the scope of this review and will therefore not be considered

**2. Consultation**

## 2.1 How the Council proposes to conduct consultations during the CGR.

Before making any recommendations or publishing final proposals, the Council must consult local government electors for the area under review and any other person or body (including a local authority) which appears to the Council to have an interest in the review. The Council will therefore:

- publish a Notice and these terms of reference on the Council's website ([www.middevon.gov.uk](http://www.middevon.gov.uk)) and arrange for copies to be available for public inspection at Phoenix House, Phoenix Lane, Tiverton, EX16 6PP during normal office hours;
- send a copy of the Notice and these terms of reference to all existing town and parish councils in the district, the Devon Association of Local Councils and Ward Members;
- seek to arrange for the Notice to be published on each town and parish council's website and notice board; and
- send a copy of the notice and these terms of reference to Devon County Council.

Before making any recommendations, the Council will take account of any representations received. The Council will publish its recommendations as soon as practicable and take such steps as it considers sufficient to ensure that persons who may be interested in the community governance review are informed of the recommendations and the reasons behind them.

The Council will notify each consultee and any other persons or bodies who have made written representations of the outcome of the review.

## 3. Timetable for this community governance review

- 3.1 The community governance review will be concluded on the day on which the Council approves its final recommendations, in order for any changes to be implemented in preparation of the District/Parish elections in May 2023.

The table below sets out the timetable for the review.

| Action                       | Timetable                                                        | Outline of Action                                                                                     |
|------------------------------|------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------|
| Start Date                   | 15 December 2021                                                 | Council publishes the terms of reference in accordance with full Council decision on 15 December 2021 |
| Consultation                 | Two-month period starting with publication of terms of reference | Council invites representations from interested parties on the application                            |
| Draft proposals are prepared | March to June 2022                                               | Draft proposals to be considered by the Electoral Review Committee                                    |



|                                    |                                                               |                                                                                                                                                                   |
|------------------------------------|---------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Draft proposals are published      | By 31 July 2022                                               | Council publishes draft proposals                                                                                                                                 |
| Consultation                       | Two-month period starting with publication of draft proposals | Council invites representations from interested parties on the draft proposals                                                                                    |
| Final recommendations are prepared | September to December 2022                                    | Results of consultation considered by the Electoral Review Committee, who shall recommend the extent to which the Council will give effect to the recommendations |
| Order made                         | By 28 February 2023                                           | Council makes and publishes the community governance order                                                                                                        |
| Order takes effect                 | March 2023                                                    | Dependant on the outcome and recommendations                                                                                                                      |

#### 4. Background information

- 4.1 The Local Government Act 1972 provides that any parish council must have at least five councillors. No maximum number is prescribed.
- 4.2 When considering the number of councillors to be elected for a parish the Council must have regard to the number of local government electors for the parish and any change to that number that is likely to occur within five years of the date on which these terms of reference are published.
- 4.3 Joint guidance issued by the Department of Communities and Local Government and the Local Government Boundary Commission for England in 2010 provides further information on community governance reviews and the factors influencing size and membership of parish councils. On size, the guidance says:

**“154.** In practice, there is a wide variation of council size between parish councils. That variation appears to be influenced by population. Research by the Aston Business School, Parish and Town Councils in England (HMSO 1992) found that the typical parish council representing less than 500 people had between five and eight councillors; those between 501 and 2,500 had six to 12 councillors; and those between 2,501 and 10,000 had nine to 16 councillors. Most parish councils with a population of between 10,001 and 20,000 had between 13 and 27 councillors, while almost all councils representing a population of over 20,000 had between 13 and 31 councillors.

**155.** The LGBCE has no reason to believe that this pattern of council size to population has altered significantly since the research was conducted. Although not an exact match, it broadly reflects the council size range set out in the National

Association of Local Councils Circular 1126; the Circular suggested that the minimum number of councillors for any parish should be seven and the maximum 25.

**156.** In considering the issue of council size, the LGBCE is of the view that each area should be considered on its own merits, having regard to its population, geography and the pattern of communities. Nevertheless, having regard to the current powers of parish councils, it should consider the broad pattern of existing council sizes. This pattern appears to have stood the test of time and, in the absence of evidence to the contrary, to have provided for effective and convenient local government.

**157.** Principal councils should also bear in mind that the conduct of parish council business does not usually require a large body of councillors. In addition, historically many parish councils, particularly smaller ones, have found difficulty in attracting sufficient candidates to stand for election. This has led to uncontested elections and/or a need to co-opt members in order to fill vacancies. However, a parish council's budget and planned or actual level of service provision may also be important factors in reaching conclusions on council size."

#### 4.4 The National Association of Local Councils Circular 1126 recommends:

| <b>Electors</b> | <b>Councillors</b> | <b>Electors</b> | <b>Councillors</b> |
|-----------------|--------------------|-----------------|--------------------|
| Up to 900       | 7                  | 10,400          | 17                 |
| 1,400           | 8                  | 11,900          | 18                 |
| 2,000           | 9                  | 13,500          | 19                 |
| 2,700           | 10                 | 15,200          | 20                 |
| 3,500           | 11                 | 17,000          | 21                 |
| 4,400           | 12                 | 18,900          | 22                 |
| 5,400           | 13                 | 20,900          | 23                 |
| 6,500           | 14                 | 23,000          | 24                 |
| 7,700           | 15                 | 45,000          | 25                 |
| 9,000           | 16                 |                 |                    |

#### 4.5 The electoral cycle for parish councils is for elections every four years.

### 5. Making representations

#### 5.1 If you want to make a written comment about the community governance review please send them to:

Community Governance Review  
Electoral Services, Mid Devon District Council, Phoenix House, Phoenix Lane,  
Tiverton, EX16 6PP

E-mail: [ParishReview@middevon.gov.uk](mailto:ParishReview@middevon.gov.uk)

#### 5.2 Written comments must be received by end of February 2022.

#### 5.3 Should you require any further information regarding the review, please contact James Stevens: [ParishReview@middevon.gov.uk](mailto:ParishReview@middevon.gov.uk) or on 01884 234214



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**FULL COUNCIL**  
**15 DECEMBER 2021**

## **INDEPENDENT REMUNERATION PANEL REPORT**

**Responsible Officer:** District Solicitor

**Reason for Report:** To determine the Members' Scheme of Allowances for 1 April 2022 to 31 March 2023.

**RECOMMENDATION:** That the Members' Allowances Scheme in Appendix 2 be adopted for the period 1 April 2022 to 31 March 2023.

**Financial Implications:** If the increase in the Basic Allowance is approved there will be a slight increase in the amount of Special Responsibility Allowances (SRA's) paid. This is because SRA's are based upon a multiplier of the Basic Allowance. This would result in a total increase of circa £2885 for next year. The recommendations do not propose any other financial increases – 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:** N/A

**Legal Implications:** None beyond those covered in this report.

**Risk Assessment:** The Council must take account of the IRP's report to avoid potential successful challenge of its Scheme.

**Equality Impact Assessment:** None beyond those issues identified in this report.

**Impact on Climate Change:** N/A

### **1.0 Background**

1.1 The Council is required to consider its Members' Scheme of Allowances taking account of a relevant report of its Independent Remuneration Panel before making any changes to the allowances for the following financial year. Accordingly, the Panel convened in October and November 2021 to consider the scheme for 2022/23.

1.2 The Panel's full report is included in Appendix 1. The report sets out the range of information the Panel considered, its findings and reasons for its recommendations.

### **2.0 Recommendations**

2.1 A draft Scheme of Members' Allowances for 2022 – 2023 which incorporates all of the IRP's recommendation is attached at Appendix 2. The IRP proposed amendments to the current scheme are limited to the following:

(a) Removal of IT Allowance of £150 per annum;

- (b) Increase of Basic Allowance by £150 to £5402.70 per annum (existing inflationary increases as outlined in the current policy still applying);
  - (c) The existing Special Responsibility Allowance multipliers remain, but the amounts payable be rounded up / down to the nearest pound; and
  - (d) Inclusion of a Parental Leave Policy as set out in paragraph 3.17 of the IRP report.
- 2.2 Taking account of the available evidence regarding the workload of Members during 2021/22, the Panel did not consider there was any change sufficient to warrant a revision to the Basic Allowance or the SRA multipliers beyond the existing inflationary rises. It considered the Digital Allowance should be incorporated into the Basic Allowance, it being clear that the use of IT was now well established amongst Members. The annual rounding up and down of the SRA was also included in its recommendation for administrative simplicity.
- 2.3 The main change proposed to the Scheme concerns the introduction of a Parental Leave Policy, for which some local authorities already have provision. It provides clarity where none has existed to date. Paragraph 3.17 of the IRP Report covers the provisions for payment of the allowances during relevant periods of absence from council work. These proposals have been incorporated into the draft scheme at paragraphs 9 to 12 (Appendix 2). The provisions are compatible with relevant equality principles.

**Contact for more Information:**

[ktrickey@middevon.gov.uk](mailto:ktrickey@middevon.gov.uk) and [slees@middevon.gov.uk](mailto:slees@middevon.gov.uk)

**MID DEVON DISTRICT COUNCIL  
INDEPENDENT REMUNERATION PANEL**

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**REPORT ON MEMBERS' ALLOWANCES  
1 APRIL 2022 - 31 MARCH 2023**

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**Executive Summary**

The Independent Remuneration Panel recommends to full Council that the Members' Allowances Scheme remain as currently provided, subject to the following amendments which shall apply from 2022/23:

- (a) Removal of IT Allowance of £150 per annum;
- (b) Increase of Basic Allowance by £150 to £5402.70 per annum (existing inflationary increases as outlined in the current policy still applying);
- (c) The existing SRA multipliers remain, but the amounts payable be rounded up / down to the nearest pound; and
- (d) Inclusion of a Parental Leave Policy as set out in paragraph 3.17 of this report.

**1. INTRODUCTION**

- 1.1 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.
- 1.2 Mid Devon District Council's Independent Remuneration Panel ("the IRP") consists of Jeremy Filmer-Bennett, Marianne Hulland and Karen Stone (Panel Chair) all of whom have considerable experience of undertaking reviews for the Council on the matter of Member Allowances. The IRP was supported by the District Solicitor and a Member Services Officer.
- 1.3 This reports sets out the findings, conclusions and recommendations of the IRP concerning Member Allowances for April 2022 to March 2023 which convened in October to November 2021.

**2. EVIDENCE & FINDINGS**

- 2.1 The Panel has received a range of information which it has considered as part of its review including:

- The South West Councils' survey detailing the allowances paid to councillors in similar local authorities across the South West;
- The previous IRP report;
- The current Scheme of Members' Allowances;
- Examples of parental leave policies (in particular from Devon County Council and East Devon District Council);
- Feedback from Members;
- New guidance on reviewing the Basic Allowance formula;
- Changes to working practices at the Council concerning remote / hybrid meetings;
- An update on the outcome of the 2019 – 2021 Governance Review at MDDC; and
- HMRC guidance regarding the use of electric vehicles.

2.2 In response to the Member consultation on the current allowances scheme, four Members provided feedback. Noting the limited response from the 42 councillors consulted but recognising it was difficult for councillors to advocate changes to the allowances which would benefit them, the Panel requests that more Members participate in next year's review as that will set the scheme of allowances for the new Council to be elected in May 2023. In the meantime the IRP conveys it thanks to those that responded to the recent consultation.

2.3 Although some of the consultee responses are outside of the remit of the Panel's work, the key points which were made comprise:

- Recruitment of persons to stand as district councillors who were interested in dealing with the vast array of local government work was difficult, the trend being generally for people's interest in standing being driven by single localised issues;
- The pressures facing Members in having to deal with personalised attacks on social media often did not assist with encouraging individuals to stand;
- The amount of work undertaken by councillors was increasing given central government was placing more responsibility on local councils to service their own areas;
- The level of responsibility resting on Members' shoulders as budgets had decreased, was continuing to rise;
- Since the lock down there tended to be more emails and meetings (albeit remote ones) to attend;
- The amount of work and complexity of work varied between committees and PDGs and also affected the workload of relevant Chairs; and
- The inappropriateness of increasing allowances given budget constraints.

2.4 The IRP recognises the general rise, nationally as well as locally, of pressure on councillors and the ever increasing demand upon councillors' time in a social media world and the expectation on Members at times (if not usually) to provide an 'instant answer'. The



increase appears to be continuing year on year rather than abating or flattening out. Nevertheless, the position remains that nationally councillors' work is viewed as vocational and that is reflected in the approach to allowances paid. Until there is a change in the extent of the vocational degree of councillors' work, the allowances paid will continue to fall significantly short of national or local average salaries and will not reflect the amount of time and effort which many councillors commit to representing their communities. It is a matter for councillors across the country, possibly through their groups and at a national level to highlight how this gap may in practice prevent more individuals from standing for election and adversely affect the demographics of council membership.

- 2.5 Allowance levels have not changed significantly since the overhaul of allowances two decades ago following the introduction of executive styles of decision making. However, recent guidance published by South West Councils, entitled '*The Legal and Guidance Framework relating to Allowances*' is noted by the IRP as advocating an updated approach to allowances, including the Basic Allowance based on the following formula:

- Average no. of council work related hours per week undertaken by councillors;
- Multiplied by the average gross hourly earnings for a full time employee in the district; and
- Minus the public service discount (35%).

- 2.6 In order to provide the data for the first part of this formula all or a selected sample of councillors would need to undertake a structured time management exercise. Further, before applying it to Mid Devon District Council, it would be useful if there was agreement to apply the formula at a county / south regional level if not nationally, as part of a fundamental review (within the confines of council budgets generally) on allowances.

- 2.7 It is considered that such a formula would provide a better means of setting the allowance for councillors across the region and country generally, rather than simply inflationary increases (or not) being applied year on year. Subject to some survey work being undertaken by the Council in 2022 and as part of a wider range of measures to attract candidates for local elections about which concerns were expressed in the member consultation, it is considered that the formula could be usefully applied as part of the autumn 2022 Members' Allowances review in advance of submission of nominations for the full Council elections in May 2023.

- 2.8 The Panel also notes that since its last review, the Executive (Leader and Cabinet) style of decision making has remained in place following the conclusion of the Council's Corporate Governance Review and work is being undertaken by Members (and in particular chairpersons) to streamline and strengthen the scrutiny and policy development

functions of the Council as a result of the review. Similarly, further work to streamline the planning committee's workload (which workload had been significant in recent months) is also being commenced. Whilst concerns have been expressed in the Member feedback particularly about increases in scrutiny and planning workloads, in view of the 'work in progress', it would be more appropriate to reconsider the matter of allowances once the relevant efficiencies and areas of focus affecting Members have been identified and trialled.

- 2.9 It is noted that Members have had to work differently as a result of the pandemic and whilst they have, since May 2021, returned to 'in person' decision making meetings, central government is being encouraged to bring local government in England in line with that applicable in Wales and Scotland to allow virtual meetings. Further, it is noted that the level of responsibility has not changed significantly over 2021 and further non-decision making meetings are still largely remote, therefore reducing travelling time when compared to the pre-pandemic position.
- 2.10 The IRP notes that the use of digital devices (not least because of the move to remote meetings) has now become a routine and essential part of business, something which is not unique to the Council. Many local authorities no longer have a separate IT payment and for many authorities that previously did have such an allowance, the IT payment has since been subsumed into the Basic Allowance.
- 2.11 It is also noted when comparing the Council's allowances with those in its benchmarking group that the allowances for Mid Devon are generally in the middle / lower end of the ranges. It is noted that not all authorities have a separate IT allowance and the absence of such in the Basic Allowance inevitably has some impact on the Council's benchmarking position.

### **3. CONCLUSIONS**

- 3.1 Taking account of the all the information provided, the IRP considers the various elements of the current Scheme of Allowances in this section of the report.

#### **Basic Allowance**

- 3.2 The IRP has not identified any changes since its last report, which warrant any significant increase or decrease to the Basic Allowance paid to Members. However, as it is apparent that almost all Members now rely on digital devices in order to undertake their duties, it would be sensible (to reduce unnecessary administration) to include the IT Allowance of £150 per annum as part of the Basic Allowance.
- 3.3 For the avoidance of doubt, the Panel remains of the view that the Basic Allowance should continue to be linked to any staff pay award.

**Recommendations:**

- (a) The IT allowance be removed from the Members Allowances Scheme; and
- (b) The current Basic Allowance of £5252.70 p.a. be increased to £5402.70 p.a. (existing inflationary increases as outlined in current policy still applying).

**Special Responsibility Allowances (SRA)**

3.4 The Regulations 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 has 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. This is an approach applied by many authorities. The Panel remains of the view that the link between the Basic Allowance and SRA is an important one.

3.5 The Panel has made the following observations:

- At the moment there is nothing to suggest a change is needed.
- There does not appear to be any appetite for any significant changes at the current time as illustrated by the limited (9.5%) Member consultation response and budget restrictions, particularly given this mid-point of the Council term.
- Since the Basic Allowance is recommended to increase to include an IT Allowance, the weighting approach to SRA will necessarily result in a small increase to all SRAs but such will not significantly impact on the Council’s position within its council benchmarking group.
- Subject to progress in supporting the use of the new formula by other authorities, the Panel proposes that it undertakes a fundamental review of the allowances in readiness for the 2023 elections, next year.

3.6 The IRP does not consider any changes to the multipliers for SRAs is needed but given the amounts which result, suggest that the amounts payable on applying the relevant multiplier be rounded up / down to the nearest pound. As such the following levels of SRA’s until 31 March 2023 should apply (see fourth column):

| Position                   | Weighting<br>x Basic<br>Allowance<br>(BA) | SRA<br>(based<br>upon BA of<br>£5402.70) | SRA to be<br>included in<br>the<br>Scheme |
|----------------------------|-------------------------------------------|------------------------------------------|-------------------------------------------|
| Leader of the Council      | 3.00                                      | £16208.10                                | £16208                                    |
| Deputy Leader              | 1.50                                      | £8104.05                                 | £8104                                     |
| Cabinet Member             | 1.25                                      | £6753.38                                 | £6753                                     |
| Scrutiny Committee Chair   | 1.25                                      | £6753.38                                 | £6753                                     |
| PDG Chair                  | 0.75                                      | £4052.03                                 | £4052                                     |
| Audit Committee Chair      | 0.75                                      | £4052.03                                 | £4052                                     |
| Planning Committee Chair   | 1.25                                      | £6753.38                                 | £6753                                     |
| Licensing/Regulatory Chair | 0.25                                      | £1350.68                                 | £1351                                     |
| Standards Chair            | 0.25                                      | £1350.68                                 | £1351                                     |
| Chairman of the Council    | 0.50                                      | £2701.35                                 | £2701                                     |

- 3.7 For the avoidance of doubt, the Panel continues to take the view that Members should only be entitled to claim one SRA.

**Recommendation (c):** The SRA multipliers remain, but the amounts payable be rounded up / down to the nearest pound.

### **Chairman's Allowance**

- 3.8 The Panel continues to recommend that the Chairman of the Council receive an SRA which is equivalent to 50% of the Basic Allowance.
- 3.9 For the avoidance of doubt, the separate civic budget which is for additional expenses of the Chair of Council is purely a matter for the Council and not for the IRP to make any recommendation.

### **Carer's Allowance**

- 3.10 The IRP considers the current Carer's Allowance within the Scheme is still fit for purpose but given its limited use in practice, it may need to be advertised by the Council more widely to ensure that all councillors are aware that such an allowance is available.

### **Travel and Subsistence Allowances**

- 3.11 Given the national 'drive' towards the use of electric cars, the Panel has considered whether an allowance which would be at lesser rate than mileage allowance for other vehicles (as well as importantly promoting green credentials) is appropriate at the current time.
- 3.12 Unfortunately, the IRP concludes that information as to the appropriate rates is sparse. To date there is no nationally recognised rate which

local authorities apply consistently, HMRC having (only) an advisory rate of 4p per mile which is not included within its scheduled rates or as part of travel reimbursement costs generally. In view of the level of such rates being unclear at the current time, the IRP does not consider it is able to recommend a specific rate. It considers it is a matter which the Council should seek to investigate further so that the IRP may review the position at its next review when more information is hopefully available.

- 3.13 The Panel therefore continues to recommend that reimbursement of approved mileage remain at the current rates published by HMRC which for 2021/2022 are (such figures to be amended in line with the HMRC rates as from 1 April 2022 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)
- 20p per mile for push bikes
- 24p per mile for motorcycles

***(All claims to be submitted with receipts)***

- 3.14 The Panel does not consider any changes to the current arrangements are needed and as such subsistence allowances should remain consistent with those for employees which are amended in line with the HMRC rates as from 1 April 2022 when available. The current HMRC subsistence allowances for staff for 2021/2022 are as follows:

- Breakfast - £7.97
- Lunch - £10.99
- Tea - £4.32
- Evening meal - £13.60

***(All claims to be submitted with receipts)***

### **Councillors with Additional Needs**

- 3.15 Again, the IRP does not consider any changes are needed to this part of the current scheme. The position remains that the IRP supports the view that if any councillors have particular needs arising due to a protected characteristic under the equalities legislation (e.g. they have a disability that prevents them using some forms of transport), the Chief Executive or Monitoring Officer be permitted to approve the payment of any additional claims or support arrangements that fall outside the scope of the scheme, to support their needs.

## Additions to the Scheme: Parental Leave

- 3.16 Having noted that some authorities have parental leave policies which apply to councillors as well statutory ones which apply to staff, the IRP has considered two examples of Member Allowance Parental Leave Policies. There is currently no legal right to parental leave for Members as part of their allowance entitlements. Nevertheless, the IRP considers the inclusion of such would be consistent with a range of steps (outside of its responsibilities) which might collectively increase the opportunities for a more diverse range of individuals to stand for election. The provision of such a policy would allow for the relevant allowances to continue to be paid and / or applied for by those who would as employees usually have statutory rights.
- 3.17 The IRP proposal sets out when Members should be entitled to parental and adoption leave and the level of relevant allowances. It is similar to that applied by Devon County Council since 2019. The IRP takes this opportunity to thank Devon County Council for providing relevant information which has enabled it to adapt and recommend the following provisions for inclusion in its Member Allowances' Scheme:

### **Members' Parental Leave**

- i. The provision covers the period of absence taken following the birth or adoption of a child. Members are still required to attend at least one meeting of the authority in any six month period<sup>1</sup>.*
- ii. The Council may exercise its right to waive expulsion if non-presence relates to Parental Leave, constituting 'some reason approved by the authority before the expiry of that period' with prior agreement between the Councillor and the Council.*
- iii. Absences from meetings during Parental Leave will be recorded as such (not attributed to general absence).*
- iv. The Council will help ensure Members have adequate IT provision to allow them to work from home and also keep in touch while on Parental Leave and upon returning to their role.*

### **Leave Periods:**

- v. Members giving birth / adopting through an approved adoption agency shall be entitled to take up to six months leave from the due or placement date, with the option to extend up to 52 weeks by agreement.*
- vi. Where a birth is premature, the Member is entitled to take leave during the period between the date of the birth and the due date in addition to the six months' period. Any leave taken to cover prematurity of 28 days or less shall be deducted from any extension beyond the initial six months.*
- vii. Members are entitled to take a minimum of two weeks leave if they are the biological parent or nominated carer of their partner/spouse following the birth of their child(ren).*

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<sup>1</sup> S85 of the Local Government Act 1972

- viii. *A Member who has made Shared Parental Leave arrangements through their employment should advise the Council. The Council will endeavour to replicate such arrangements.*
- ix. *Where both parents are Members, leave may be shared up to a maximum of 24 weeks for the first six months and 26 weeks for any leave agreed thereafter, up to a maximum of 50 weeks.*
- x. *Any Member taking leave should comply with the notice requirements of the Council (both when the leave starts and when they return), should respond to reasonable requests for information and keep the Council informed of intended return dates and requests for extensions.*
- xi. *Unless the Member taking leave is removed from their post at an Annual Meeting whilst on leave, or unless their Party loses control of the Council during their leave period, they shall return after their leave period to the same post, or an alternative post with equivalent status and remuneration.*
- xii. *If a Member decides not to return at the end of their leave, they must notify the Council immediately (allowances will cease from the effective resignation date). If an election is held during the leave period and they are not re-elected, or do not stand for re-election, the Basic Allowance (and any Special Responsibility Allowance) will cease from the Monday after the election date when they would technically leave office.*

**Basic Allowance Entitlement:**

- xiii. *The relevant Members will receive their Basic Allowance in full throughout the agreed period of leave.*

**Special Responsibility Allowance Entitlement:**

- xiv. *Members entitled to a Special Responsibility Allowance (SRA) will continue to receive this in full.*
- xv. *Where a replacement is appointed to cover the period of leave, that person will receive an SRA on a pro rata basis for the period of the temporary appointment.*
- xvi. *The payment of SRA's (to the primary SRA holder or replacement), shall continue for six months, until the date of the next Annual Council Meeting or the date when the Member is up for election (whichever is the earliest).*
- xvii. *At that point, the position will be reviewed, and will be subject to a possible extension for a further six-month period.*
- xviii. *Should a Member appointed to replace the Member on leave already hold an SRA position, the ordinary rules relating to one SRA payment shall apply.*

**Recommendation (d):** The Council include in its Allowances Scheme a shared parental leave policy as set out in paragraph 3.17 of this IRP report.

**Waiving of Allowances**

- 3.18 In line with the Regulations, as with the current scheme the IRP does not consider any change is necessary regarding the right of individual members to, by notice in writing and given to the proper officer (the Monitoring Officer), to elect to forgo any part of their entitlement to an allowance under the scheme.

Independent Remuneration Panel  
15 December 2021



## **MEMBERS' ALLOWANCES SCHEME 2022 - 2023**

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 2022 until the 31<sup>st</sup> March 2023.
2. In this scheme:
 

"Approved Duties" means those duties set out in Schedule 2

"Councillor" and "Member" both mean an elected Member of Mid Devon District Council; 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 2022 a Basic Allowance of £5402.70 per annum 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 Council 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 therefore 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 Schedule 1.
- (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.

## **Parental Leave**

9.
  - (a) The provision covers the period of absence taken following the birth or adoption of a child. Councillors are still required to attend at least one meeting of the authority in any six month period (as per S85 Local Government Act 1972).
  - (b) The Council may exercise its right to waive expulsion if non-presence relates to Parental Leave, constituting 'some reason approved by the authority before the expiry of that period' with prior agreement between the Councillor and the Council.
  - (c) Absences from meetings during Parental Leave will be recorded as such (not attributed to general absence).
  - (d) The Council will help ensure Councillors have adequate IT provision to allow them to work from home and also keep in touch while on Parental Leave and upon returning to their role.
10. The following leave periods will apply.
  - (a) Councillors giving birth / adopting through an approved adoption agency shall be entitled to take up to six months leave from the due or placement date, with the option to extend up to 52 weeks by agreement.
  - (b) Where a birth is premature, the Councillor is entitled to take leave during the period between the date of the birth and the due date in addition to the six months' period. Any leave taken to cover prematurity of 28 days or less shall be deducted from any extension beyond the initial six months.
  - (c) Councillors are entitled to take a minimum of two weeks leave if they are the biological parent or nominated carer of their partner/spouse following the birth of their child(ren).
  - (d) A Councillor who has made Shared Parental Leave arrangements through their employment should advise the Council. The Council will endeavour to replicate such arrangements.
  - (e) Where both parents are Councillors, leave may be shared up to a maximum of 24 weeks for the first six months and 26 weeks for any leave agreed thereafter, up to a maximum of 50 weeks.
  - (f) Any Councillor taking leave should comply with the notice requirements of the Council (both when the leave starts and when they return), should respond to reasonable requests for information and keep the Council informed of intended return dates and requests for extensions.
  - (g) Unless the Councillor taking leave is removed from their post at an Annual Meeting whilst on leave, or unless their Party loses control of the Council during their leave period, they shall return after their leave period to the same post, or an alternative post with equivalent status and remuneration.
  - (h) If a Councillor decides not to return at the end of their leave, they must notify the Council immediately (allowances will cease from the effective resignation date). If an election is held during the leave period and they are not re-elected, or do not stand for re-election, the Basic Allowance (and any Special Responsibility Allowance) will cease from the Monday after the election date when they would technically leave office.
11. The relevant Councillors will receive their Basic Allowance in full throughout the agreed period of leave.
12. Councillors entitled to a Special Responsibility Allowance (SRA) will continue to receive this in full subject to:
  - (a) Where a replacement is appointed to cover the period of leave, that person will receive an SRA on a pro rata basis for the period of the temporary appointment;

- (b) The payment of SRA's (to the primary SRA holder or replacement), shall continue for six months, until the date of the next Annual Council Meeting or the date when the Councillor is up for election (whichever is the earliest);
- (c) At that point, the position will be reviewed, and will be subject to a possible extension for a further six-month period; and
- (d) Should another Councillor appointed to replace the Councillor on leave already hold an SRA position, the ordinary rules relating to one SRA payment apply.

### **Travelling Allowances and Subsistence Allowances**

13. 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**

14. (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**

15. 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**

16. None of the allowances contained within this scheme are eligible for inclusion within the Local Government Pension Scheme.

### **Tax and Benefits**

#### **17. 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.

#### **18. 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 Corporate 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**

- 19. 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

### **SCHEDULE 1**

With effect from 1<sup>st</sup> April 2022, 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                          | £16208 |
| Deputy Leader of the Council                   | £8104  |
| Cabinet Member                                 | £6753  |
| Chairman of Scrutiny Committee                 | £6753  |
| Chairmen of Policy Development Groups          | £4052  |
| Chairman of Audit Committee                    | £4052  |
| Chairman of the Planning Committee             | £6753  |
| Chairman of the Licensing/Regulatory Committee | £1351  |
| Chairman of the Standards Committee            | £1351  |
| Chairman of the Council                        | £2701  |

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 max 4 passengers, payable to the driver)
  - 20p per mile for push bikes
  - 24p per mile for motorcycles
- (b) Subsistence Allowances
  - Breakfast - £7.97
  - Lunch - £10.99
  - Tea - £4.32
  - Evening meal - £13.60

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                                                                                                                                                                                                                                            | Carer's 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                                 | YES               | YES                  |
| (b) Non duly-appointed Councillors                                                                                                                                                                                                                                      | NO                | 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) | YES               | YES                  |
| (b) Non-Committee Members attending such visits or inspections by invitation of the Cabinet, Policy Development Group, Audit, Scrutiny, Standards and Regulatory Committees.                                                                                            | YES               | YES                  |
| (c) Non-Committee Members attending uninvited                                                                                                                                                                                                                           | NO                | YES                  |

|                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                   |     |     |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|-----|
| 7.                                                                                                                                                                                                                                                                                                                            | Councillors attending as a member of a deputation approved by the Council, the Cabinet, Policy Development Group, Audit, Scrutiny, Standards or Regulatory Committees.                                                            | YES | YES |
| 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 |
| <p>Notes:</p> <p>a. In all cases, the duties for which claims are made must have been approved prior to the event.</p> <p>b. Meetings (3 above) includes Working Groups, approved seminars, and Briefing meetings where more than one Political Group is invited</p> <p>c. Other Briefing meetings fall within (8) above.</p> |                                                                                                                                                                                                                                   |     |     |

