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MID DEVON DISTRICT COUNCIL

A **MEETING** of the **MID DEVON DISTRICT COUNCIL** will be held in the Phoenix Chambers, Phoenix House, Tiverton on Wednesday, 31 August 2022 at 6.00 pm

ALL MEMBERS of the **COUNCIL** are summoned to attend for the purposes of transacting the business specified in the Agenda which is set out below:

[The next meeting is scheduled to be held in Tiverton on Wednesday, 26 October 2022 at 6.00 pm]

PLEASE NOTE: - this meeting will take place at Phoenix House and members of the Public and Press are able to attend via Zoom. If you are intending to attend in person please contact the committee clerk in advance, in order that numbers of people can be appropriately managed in physical meeting rooms.

Join Zoom Meeting

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Meeting ID: 868 8977 2176
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Meeting ID: 868 8977 2176
Passcode: 071426

STEPHEN WALFORD
Chief Executive

22 August 2022

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

AGENDA

1 **Apologies**

To receive any apologies for absence.

2 **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 7 - 14*)

To consider whether to approve the minutes as a correct record of the meeting held on 6 July 2022.

The Council is reminded that only those Members present at the previous meeting should vote and, in doing so, should be influenced only by seeking to ensure that the minutes are an accurate record.

5 **Chairman's Announcements**

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

6 **Petitions**

To receive any petitions from members of the public.

7 **Appointment of an interim Monitoring Officer** (*Pages 15 - 16*)

To receive a report from the Chief Executive. The Council is required to have a Monitoring Officer at all times. This report makes recommendations for the appointment of an interim Monitoring Officer from 31 August 2022 until a permanent appointment can be made.

8 **Notices of Motions**

1. **MOTION 579 (COUNCILLOR MRS N WOOLLATT – 8 AUGUST 2022)**

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

Motion for council:

That this council writes to Stagecoach, Devon County Council, the

Traffic Commissioner and our MPs to:

a) express its concern at the recent cuts to bus services in the District and changes to routes which appear to have been put in place without having had due regard to equality considerations. Further asks for a review of the changes to take into account equalities impacts and seek reinstatement of route sections which have been removed where the removal is found to have had a detrimental effect on some protected groups of people. For example, many residents in Cullompton no longer have nearby access to the bus service to and from Exeter and can only access this route from the town centre, making this service particularly difficult to access for elderly and disabled residents and young people travelling to schools and colleges.

b) further expresses its disappointment that since the reduced timetable has been implemented, despite the reductions supposedly having been made to improve the reliability of Stagecoach services, services have continued to be cancelled at an unacceptable level leaving our residents unable to rely on travelling by bus. Residents have been left unable to get to and from work and health appointments on time and even on occasion left stranded. There is concern if this pattern of cancellations continues that young people who rely on the bus service to travel to and from school and college will also have their journeys disrupted.

c) states that the current service being provided is not fit for purpose and asks what can be done to improve this and when our residents can expect to see a bus service that serves their needs and is reliable.

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

9 **Reports** (*Pages 17 - 94*)

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

1. Cabinet
 - 12th July 2022
 - 9th August 2022
2. Scrutiny Committee
 - 25th July 2022
3. Audit Committee
 - 2nd August 2022
4. Environment PDG

- 19th July 2022
- 5. Homes PDG
 - 26th July 2022
- 6. Community PDG
 - 2nd August 2022
- 7. Planning Committee
 - 13th July 2022
 - 27th July 2022 (special)
 - 10th August 2022
 - 24th August 2022 (special – to follow)
- 8. Licensing Committee
 - 26th August 2022 (to follow)
- 9. Regulatory Committee
 - 26th August 2022 (to follow)

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

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

11 **Special Urgency Decisions**

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.

Meeting Information

From 7 May 2021, the law requires all councils to hold formal meetings in person. The Council will enable all people to continue to participate in meetings via Zoom.

If you want to ask a question or speak, email your full name to Committee@middevon.gov.uk by no later than 4pm on the day before the meeting. This will ensure that your name is on the list to speak and will help us ensure that you are not missed. 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 Sarah Lees on:

E-Mail: slees@middevon.gov.uk

Public Wi-Fi is available in all meeting rooms.

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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **COUNCIL** held on 6 July 2022 at 6.00 pm

Present

Councillors

R F Radford (Chairman)
G Barnell, J Bartlett, E J Berry, W Burke,
R J Chesterton, S J Clist, Mrs C Collis,
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,
B A Moore, Miss J Norton, S J Penny,
S Pugh, Mrs E J Slade, C R Slade,
R L Stanley, L D Taylor, B G J Warren and
J Wright

Apologies

Councillors

J Cairney, Mrs E J Lloyd, D F Pugsley,
Mrs M E Squires, A White, Mrs N Woollatt
and A Wyer

Also in attendance

Councillor:

Mrs F J Colthorpe

13 Apologies (00-05-34)

Apologies were received from Councillors: J Cairney, Mrs E Lloyd, D F Pugsley, Mrs M E Squires, A White, Mrs N Woollatt and A Wyer.

14 Public Question Time (00-06-05)

There were no questions from members of public attending the meeting.

15 Declarations of Interest under the Code of Conduct (00-06-18)

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

16 Minutes (00-06-30)

The minutes of the annual meeting held on 11 May 2022 were agreed as a correct record and signed by the Chairman.

The minutes of the extraordinary meeting held on 11 May 2022 were agreed as a correct record and signed by the Chairman.

17 Chairman's Announcements (00-07-56)

The Chairman had the following announcements to make:

- He had met with Honorary Alderman Mrs Eileen Andrews and presented her with the Honorary Alderman Scroll. She had been delighted to receive the honour.
- The Vice Chairman had attended two jubilee events on his behalf, representing the Council at Exeter Cathedral and at Taunton Minster.
- He had attended the High Sheriff's garden party on Sunday 26 June to support his various charities.
- He would be attending the Lammas Fair in Exeter the following day.

18 Petitions (00-09-47)

There were no petitions presented.

19 Notices of Motions (00-09-55)

No Notices of Motion had been received.

20 Cabinet - Report of the meeting held on 17 May 2022 (00-10-26)

The Leader presented the report of the meeting of the Cabinet held on 17 May 2022.

21 Cabinet - Report of the meeting held on 28 June 2022 (00-11-02)

The Leader presented the report of the meeting of the Cabinet held on 28 June 2022.

1. Annual Treasury Management Report (Minute 18)

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

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

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

Reason for the Decision – there is a need for the Annual Treasury Management Report to be approved by Council in line with CIPFA guidance.

22 Scrutiny Committee - Report of the meeting held on 30 May 2022 (00-12-54)

The Chairman of the Scrutiny Committee presented the report of the meeting of the Committee held on 30 May 2022.

23 Audit Committee - Report of the meeting held on 7 June 2022 (00-14-32)

The Chairman of the Audit Committee presented the report of the meeting of the Committee held on 7 June 2022.

24 Environment Policy Development Group - Report of the meeting held on 24 May 2022 (00-15-11)

The Chairman of the Environment Policy Development Group presented the report of the meeting of the Group held on 24 May 2022.

25 **Homes Policy Development Group - Report of the meeting held on 31 May 2022 (00-15-54)**

The Chairman of the Homes Policy Development Group presented the report of the meeting of the Group held on 31 May 2022.

26 **Economy Policy Development Group - Report of the meeting held on 26 May 2022 (00-16-46)**

The Chairman of the Economy Policy Development Group presented the report of the meeting of the Group held on 26 May 2022.

27 **Community Policy Development Group - Report of the meeting held on 7 June 2022 (00-17-31)**

The Vice Chairman of the Community Policy Development Group presented the report of the meeting of the Group held on 7 June 2022.

28 **Planning Committee - Report of the Meeting held on 18 May 2022 (00-18-22)**

The Chairman of the Planning Committee presented the report of the meeting of the Committee held on 18 May 2022.

29 **Planning Committee - Report of the meeting held on 29 June 2022 (00-19-03)**

The Chairman of the Planning Committee presented the report of the meeting of the Committee held on 29 June 2022.

30 **Community Governance Review (00-20-10)**

The Council had before it a *report of the Returning Officer (Director of Business Improvement and Operations) in respect of the recommended proposals for consideration for the second consultation stage and seeking approval of a modified Terms of Reference for the Committee.

The officer outlined the contents of the report explaining the process of the review to date, the outcome of the initial consultation, the recommendations that had been proposed by the Electoral Review Committee and the request to amend the Terms of Reference of the Committee to allow it to consider the possibility of merging some parish councils which had been highlighted during the first consultation.

The Chairman of the Electoral Review Committee emphasised that the recommendations within the report would form part of the second public consultation process.

Councillor L D Taylor **MOVED**, seconded by Councillor C R Slade that:

A second public consultation take place on the review of parish boundaries as proposed in appendices 1a and 1b of the report subject to:

- a) The detail of submission 33 [Mid Devon District Council CGR First Stage Consultation](#) submitted by Hittisleigh Parish Council be agreed.
- b) The following options for Halberton, Willand and Uffculme form part of the stage 2 public consultation:
- Option 1** – Lucombe Park move from Halberton to Uffculme and the Mid Devon Business Park move from Halberton to Willand.
- Option 2** – Option 1 (as set out above) together with the area north east of Bridwell Avenue be moved from Halberton to Uffculme.
- Option 3** – Options 1 and 2 (as set out above) together with Hitchcocks and Langlands Business Parks moving from Halberton to Uffculme.
- c) The number of Parish Councillors remain as set out in appendix 2 subject to the following amendments which would form part of the stage 2 public consultation:
- i) Bradninch (Rural Ward) be reduced to 1 from 2
 - ii) Bradninch (Town Ward) be increased from 10 to 11
 - iii) Burlescombe be reduced from 9 to 7
 - iv) Cheriton Fitzpaine be reduced from 9 to 8
 - v) Colebrooke be reduced from 9 to 7
 - vi) Coplestone be increased from 7 to 9
 - vii) Crediton Hamlets (Yeoford Ward) be increased from 5 to 7
 - viii) Silverton (North Ward) be reduced from 2 to 1
 - ix) Silverton (Village Ward) be increased from 9 to 10
 - x) Willand be increased from 11 to 12
- d) The modified Terms of Reference be approved relating for the purpose of consideration of any submissions received arising from the second consultation period as set out in appendix 3.

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

Reason for the decision – Council approval is required for the second round of public consultation and any amendment to the Terms of Reference of the Electoral Review Committee.

Note: * Report previously circulated, copy attached to minutes

31 **Questions in accordance with Procedure Rule 13 (00-25-13)**

There were no questions submitted under Procedure Rule 13.2.

32 **Special Urgency Decisions (00-25-20)**

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.

33 **Outside Body Appointment (00-25-27)**

The Council were requested to consider appointing 2 members to the Tiverton Town Centre CCTV System Working Group.

The Leader **MOVED**, seconded by Councillor C R Slade that Councillor D J Knowles be nominated for the role.

Councillor D J Knowles **MOVED**, seconded by Councillor W Burke that Councillor Mrs C P Daw be nominated for the role.

Councillor L D Taylor **MOVED**, seconded by Councillor J M Downes that Councillor L J Cruwys be nominated for the role.

Upon a vote being taken, it was:

RESOLVED that Councillors: Mrs C P Daw and D J Knowles be appointed to the Tiverton Town Centre CCTV System Working Group.

34 **Questions to Cabinet Members (00-33-11)**

Councillor J M Downes addressing the Leader asked how and when the Member Services Manager would be replaced.

The Leader responded stating that other team members would continue the work in the short term and that a replacement appointment would be made.

Councillor F W Letch addressing the Cabinet Member for Housing and Property Services referred to an empty council property in Crediton which had been vacated in November and was still empty. He had spoken to officers who had explained the current staff shortage and the number of voids that required attention.

The Cabinet Member responded that an email had been sent to Members that morning outlining a proposed review of the process around voids, he would add this property to his list along with other information received from Members and that this would form the basis for the review.

Councillor F W Letch then addressed the Cabinet Member for the Environment and Climate Change stating that the bottle bank at Tesco in Crediton had been removed and that the one at Morrisons was becoming over full and asked who was responsible for the recycling at Morrisons.

The Cabinet Member stated that he was aware that Tesco had discontinued its bottle bank, the Council was responsible for the recycling banks at Morrisons and the situation was being monitored, additional receptacles had now been added to the site.

Councillor Letch followed this up with another question to the Cabinet Member with regard to weeds on pavements in Crediton and asked who was responsible and what services did the Council's street-scene service provide?

The Cabinet Member stated that the street-scene service dealt with litter, fly tipping and public open space. Pavements (and weeds) were the responsibility of the Highway Authority.

Cllr B G J Warren addressing the Leader asked - Are you aware that Transparency International UK wrote a report entitled 'Corruption in UK Local Government – The Mounting Risks.

On Page 43 of the report is a paragraph which reads: Council leaders have considerable patronage power, which can facilitate corruption. They are able to appoint the members of their Cabinet and award chairmanships – all roles which bring financial gain for the recipients in the form of 'special responsibility allowances'. This may lead to situations where councillors are unwilling to challenge a leader because they fear losing one of these roles, or where they feel obliged to provide informal favours, such as offering information or turning a blind eye to misconduct.

Since the 2019 election two additional Cabinet posts have been created, seven Cabinet members have been removed from their portfolios and replaced by other members and two changes of Chairman of Scrutiny Committee have been instigated.

What assurance can the Leader give to the residents who are administered by Mid Devon District Council that there is no risk of potential corruption as identified in the report.

The Leader responded stating that this did not apply to Mid Devon District Council, the selection of Cabinet Members had been based on availability and suitability for the post. Cabinet responsibilities had been selected on the best possible talent at his disposal and that the Leader did not have any control of the election of committee chairmen or the Chairman of the Scrutiny Committee.

Councillor B G J Warren addressing the Cabinet Member for Planning and Economic Regeneration stated that: On 5 June 2022 I sent you an email with an accompanying document concerning a Planning Officer response to an outside body which contained responses which were not fully open and transparent. In the document I asked 7 questions to clarify certain matters.

I received no written acknowledgement from you although when we met a few days later I asked if you had received it and you confirmed that you had and had passed it to an officer.

I am aware that an officer is looking into it as the officer has told me but I have not received any answers to date which is now a month later.

I sent you a polite reminder and further information on 25 June 2022 and asked for an acknowledgement of receipt but to date have received none.

Is there an arrangement between certain Cabinet Members and Officers not to respond to questions raised by certain members?

When am I going to get an answer to my questions of 5 June 2022 please?

The Cabinet Member responded stating that he had been chasing this up, but he had been ill with Covid and meetings had had to be postponed, he would now continue to follow this up.

Councillor G Barnell addressing the Cabinet Member for Housing and Property Services requested that Members should have a briefing on homes for those from Ukraine, staffing issues and support for host families, there were issues in that some host families were unable to continue providing accommodation and the likely impact of this on Council resources, could a briefing be arranged?

The Cabinet Member responded stating that he would follow this up with officers.

Councillor L J Cruwys addressing the Leader referred to the recent parliamentary by-election and the way in which the event had been superbly run and asked that the Council's appreciation be shared with the Returning Officer and her team.

The Leader stated that it had been a magnificent effort and he would be happy to speak with the Returning Officer.

35 **Members Business (00-52-21)**

The Leader paid tribute to the Member Services Manager who would be leaving the authority at the end of the week.

(The meeting ended at 6.56 pm)

CHAIRMAN

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COUNCIL
31 AUGUST 2022

APPOINTMENT OF AN INTERIM MONITORING OFFICER

Cabinet Member(s): Cllr Bob Deed, Leader of the Council
Responsible Officer: Stephen Walford, Chief Executive

Reason for the Report and the Recommendation: the Council is required to have a Monitoring Officer at all times. This report makes recommendations for the appointment of an interim Monitoring Officer from 31 August 2022 until a permanent appointment can be made.

RECOMMENDATION: that the Council appoints:

- 1 Maria de Leiburne as an interim Monitoring Officer from 31 August 2022 until a new permanent Monitoring Officer is recruited and commences employment**

Financial Implications: these decisions will not result in any budgetary increase for 2021/22

Budget and Policy Framework: There will be some additional legal costs arising from the need to put in place some casework support for the legal team. It is anticipated that it may be possible to absorb these over the remainder of the financial year through intra-budgetary changes.

Legal Implications: by section 5 of the Local Government and Housing Act 1989, the Council must designate one of their officers as the Monitoring Officer.

Risk Assessment: None directly arising – the recommendation for an interim Monitoring Officer meets the legal requirements and ensure that the overall compliance and standards obligations are monitored and maintained. A fully competitive recruitment process has ensured the selection of a suitably qualified candidate for the permanent role.

Equality Impact Assessment: the Council's recruitment processes and policies ensure that equality laws are satisfied.

Relationship to Corporate Plan: None directly arising.

Impact on Climate Change: None directly arising

1.0 Appointment of Monitoring Officer

- 1.1** With the departure of the Council's former District Solicitor (Monitoring Officer), Karen Trickey, on 11 August 2022, the Council needs to appoint a new Monitoring Officer. The role will be advertised shortly.

Appointment of Interim Monitoring Officer

- 2.1 The Council must have a Monitoring Officer in post at all times. Maria de Leburne, is a solicitor and the Operations Manager for Legal Services and Monitoring. She has been deputy monitoring officer since 2016.
- 2.2 Maria is well-known and respected within the Council and has agreed to step up as Monitoring Officer on an interim basis. Due to the additional work load as Monitoring Officer, which can often be a full-time commitment, arrangements have been made to provide the necessary casework support during this interim period.

Contact for more Information: Stephen Walford, Chief Executive (01884) 234201
swalford@middevon.gov.uk

Circulation of the Report: Council

List of Background Papers: None

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **CABINET** held on 12 July 2022 at 10.00 am

Present

Councillors

R M Deed (Leader)
C J Eginton, R J Chesterton, Mrs C P Daw,
D J Knowles, B A Moore, S J Penny and
C R Slade

Also Present

Councillors

J Buczkowski, L J Cruwys and B G J Warren

Also Present

Officers

Stephen Walford (Chief Executive), Andrew Jarrett (Deputy Chief Executive (S151)), Richard Marsh (Director of Place), Maria De Leiburne (Operations Manager for Legal and Monitoring), Paul Deal (Corporate Manager for Finance), Tristan Peat (Forward Planning Team Leader), Christie McCombe (Area Planning Officer), Sarah Lees (Member Services Officer) and Jessica Rowe (Member Services Apprentice)

21. **APOLOGIES**

No apologies were received, however, it was noted that Cllr D J Knowles attended the meeting via Zoom.

22. **PUBLIC QUESTION TIME**

The following questions were received from members of the public:

Mr Paul Elstone:

The following questions all fully relate to Agenda Item 6, HIF Funding and A361 Junction:

QUESTION 1

Are MDDC Cabinet Members aware that in an email dated 4th December 2020 and from the former MDDC Head of Planning to the MDDC Cabinet Member for Planning and Regeneration and the MDDC Leader the Head of Planning states

“DCC does not wish to go out to tender for the HIF works until the land exchange has taken place between the landowner (Chettiscombe Trust) and developer (Redrow). This has not yet occurred”

QUESTION 2

Were the MDDC Cabinet Member for Planning and the MDDC Leader both MADE FULLY AWARE that the land deal between the owner and Redrow Homes was completed on the 18th December 2020 or some 20 months ago. THAT THERE WERE NO LONGER ANY CONSTRAINTS and the Phase 2 junction tender process could proceed at pace.

QUESTION 3

Can the Cabinet Member for Planning advise if the MDDC Ward Councillors for Lowan and Cranmore were FULLY CONSULTED about the HIF Funding situation and similarly to the MDDC Cabinet Member for Planning and the MDDC Council Leader in December 2020. This including reference to the “deal breaker” comment made by the former Head of MDDC Planning.

QUESTION 4

Can MDDC Director of Place fully explain and in a detailed written response why it has taken so VERY LONG to progress the tender process. This including timelines. A tender process given the excessive delays has seen SUBSTANTIAL COST INCREASE as a result.

QUESTION 5

Why has it taken so long to bring this critical situation concerning the HIF Junction Funding before MDDC Cabinet and for MDDC member plus public scrutiny and challenge.

QUESTION 6

Given how critical the Tiverton EUE Phase delivery timelines were to ensure no loss of the HIF Funding and construction of the junction. Can the MDDC Cabinet Member for Planning and who is also a Devon County Councillor please provide A WRITTEN RESPONSE providing full details including timelines of his efforts to accelerate the CRITICAL tender process including any discussions with DCC.

QUESTION 7

Will the MDDC Leader and MDDC Cabinet Member for Planning now consider the FULL circumstances surrounding the requirement to suspend the Tiverton EUE Phase 2 Junction tendering process. That there is full cause to implement a detailed and expert external investigation.

This especially given that both MDDC Major Road Infrastructure projects are in disarray i.e., the Cullompton Relief Road and the Tiverton EUE Phase 2 junction. This due it is strongly believed to MDDC failure to manage these projects in line with reasonable expectations. A situation that is causing MDDC increasing reputational damage.

Mrs Hannah Kearns:

The following questions all fully relate to Agenda Item 6: HIF Funding and A361 Junction

QUESTION 1

Are MDDC Cabinet Members aware that a Devon County Council Cabinet briefing paper dated 14th October 2020 written in relation to the Tiverton EUE Phase 2 Junction, made FULL reference to a total cost estimate of £10 million of which £8.2 million was a to be a Housing Infrastructure rebate?

Why did MDDC Executive Officers not allocate the £1.8 million additional funds in ANY public facing budget for 2020 or 2021 or going forward?

QUESTION 2

What is the current cost estimate for the Phase 2 Junction? The MDDC Cabinet briefing paper fails to reveal this without any apparent reason.

QUESTION 3

What is the value of the monies received from the Housing Infrastructure Fund already spent in preparation for the Phase 2 Junction? HIF funds appear to be at risk of needing to be returned due to suspension of the project, is this correct?

QUESTION 4

What is the value of the funds from the developers S103 advance contributions already spent in preparation for the Phase 2 junction?

QUESTION 5.

The MDDC Director of Place has stated that the Governments HIF programme only runs to March 2024, with no replacement scheme in evidence.

Therefore given that MDDC Officers have stopped the Phase 2 Junction Tendering process what is the QUANTIFIED RISK PERCENTAGE for MDDC loosing access to the full Housing Infrastructure Funding REBATE of £8.2 million? A situation that SHOULD it happen, would clearly pile further and very substantial additional pressure on MDDC to deliver the project.

QUESTION 6

MDDC budget spreadsheets evidence that they repeatedly allocate substantial funds ,running into the tens of millions of pounds, to 3 Rivers Development Ltd. Funds which are used to build speculative housing projects carrying both risk in terms of delivery and commercial risk. Why are MDDC repeatedly able to allocate these substantial funds yet are unable to fund key infrastructure projects? Key projects which will provide very major enhancements to the Mid Devon Community.

QUESTION 7

Why does the Cabinet Meeting briefing document only make reference to the Housing Development, and not to the Tiverton EUE Industrial Site? Particularly considering that it is this industrial Site that will likely see the greatest benefits from the Phase 2 Junction by removing heavy commercial traffic away from both Blundells School Campus and Halberton Village. Similarly, from the Hartnoll Farm Business Park and Red Linhay Anaerobic Digester which are becoming increasingly industrialised.

The Leader stated that the questions would be answered when the item was reached on the agenda.

23. **DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT**

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

24. **MINUTES OF THE PREVIOUS MEETING**

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

25. **CORPORATE PLAN MID POINT REVIEW (00:12:00)**

The Cabinet had before it, and **NOTED**, a report * from the Chief Executive considering the comments and feedback from various Council committees in order to determine what, if any, changes ought to be proposed to the Council's Corporate Plan as part of its mid-point review.

The Leader briefly outlined the contents of the report and a short discussion followed with regard to the consideration of playground equipment specifically for disabled children or those with additional needs. More information regarding the specifications needed would be sought.

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

26. TIVERTON HIF/A361 JUNCTION (00:16:00)

The Cabinet had before it a report * from the Director of Place informing Members of the latest position regarding the Tiverton HIF/A361 junction scheme and seeking a decision regarding the next steps.

The Cabinet Member for Planning and Economic Regeneration outlined the contents of the report stating that Members would be aware that the Tiverton HIF scheme related to the delivery of the second set of slip roads at the new junction on to the A361 and that DCC were undertaking a procurement exercise on behalf of Mid Devon District Council to seek to identify a contractor to deliver the works. At the time of the August 2021 Cabinet report, it was reported that the cost of works could exceed the available budget and this shortfall was reported as being in the region of £1.9m.

DCC had now completed the tender exercise and the tender results had been assessed. Unfortunately, whilst the tendering exercise had been successful in attracting tender responses, the returns had come in at levels which significantly exceeded the available project budget and went beyond the £1.9m shortfall previously foreseen.

Discussions had taken place between key stakeholder organisations regarding the potential to find additional funding to support delivery of the scheme, but unfortunately it had not been possible to identify the funding at this time.

Clearly, this remained a very important project and so officers would continue to work on this project, in conjunction with key stakeholders including Homes England, as quickly as possible in order to seek to identify opportunities to enable delivery of this scheme as soon as practicably possible.

The following answers were given in relation to each of the questions raised during Public Question Time:

Responses to questions from Mr Elstone

1. Question 1:

Members were aware of the position in relation to the land transactions, as appropriate.

2. Question 2:

Members were kept informed of progress in relation to the scheme and the tender exercise.

3. Question 3:

As stated previously; Cabinet Members had been kept informed of progress on the project and previous Cabinet reports had provided updates in relation to the project.

4. Question 4:

The Tender exercise had been run by Devon County Council on behalf of MDDC and had followed public procurement regulation requirements; the processes for which are often lengthy and time-consuming.

Cost increases had been seen across many infrastructure projects throughout the country and so the cost increases were not unique to this project, or a result of the process that had been undertaken.

5. Question 5:

This item has been brought to Cabinet as quickly as possible following earlier conversations with key partners to consider the scope to secure the additional funding to support delivery of the programme and accounting for purdah requirements.

6. Question 6:

Yes I am a Devon County Councillor but this project is not within my remit as a Devon County Councillor. Conversations are ongoing and the project is moving forwards.

7. Question 7:

Neither project is in disarray. However, both are absolutely dependent upon external funding mechanisms to support delivery – as has been detailed in other Cabinet reports. By their very nature, these are not within the council's direct control. But just as we achieved delivery of the off-slip at Tiverton EUE well in advance of the private sector development coming on stream in the first phase, it remains the ambition of the council to achieve this second phase of the junction in advance of Area B coming forward. In Cullompton, we have managed to secure a commitment to the reopening of the railway station, and are now within touching distance of achieving a relief road that the community has been seeking for decades. If such projects were easy they would have been done years ago, but this council is not shying away from the challenges and is doing all it can to bring these much-needed projects to fruition for the good of our communities.

Responses to Hannah Kearns questions

1. Question 1:

I was not aware of this briefing paper, but was aware with the position of the project as a result of our own internal MDDC briefings.

MDDC has never budgeted for capital investment in the delivery of the junction beyond the amount provided for through the Housing Infrastructure Fund. It would not be typical for a district authority of the size of Mid Devon to fund strategic infrastructure works such as a new junction on a major A-road or motorway.

2. Question 2:

The cost estimate is not set out so as to avoid revealing cost information in the public domain which could prejudice any future retendering exercise.

3. Question 3:

Technically, Homes England are able to seek repayment of the grant funding where the project does not proceed to completion, but this is at Homes England discretion. Homes England is fully engaged in this project and so is aware of the position. It should also be noted that an indemnity exists in relation some of the most recent elements of this expenditure.

4. Question 4:

No S106 funds have been deployed yet.

5. Question 5:

The formal decision to stop the current tendering exercise will be sought from Cabinet today. No quantified risk analysis has been run in relation to this project and I struggle to see the value in seeking to quantify a specific risk percentage in this scenario.

6. Question 6:

The Council's activity in relation to 3Rivers is wholly different to the position in relation to the funding and delivery of highways infrastructure. The Council, like many others, seeks to undertake development activity through its development company in order to generate profit to the Council which the Council is then able to utilise to support the provision of services. Infrastructure development on the other hand involves significant financial outlay and risk for the Council over the long term where repayment of the investment is dependent upon many factors and is uncertain. The different types of investment activity are therefore wholly different.

7. Question 7:

There is no particular reason as to why the report does not mention the employment land. It equally does not mention other scheme components, but this does not mean that they are any less important or that they have been overlooked or omitted for any reason.

RESOLVED that:

- a) That the current tender process (being run by Devon County Council on behalf of MDDC) be stopped and that tenderers be notified that, owing to forecast construction costs exceeding the available budget, the Council will not be seeking to let a contract at this time.
- b) That Cabinet instructs officers to continue to investigate additional funding opportunities and scope for project value-engineering, working with key project partners including Devon County Council and Homes England and that a further report be brought back to Cabinet as soon as possible.

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

Reason for decision:

In 2019, Mid Devon District Council entered into an Agreement with Homes England, formally securing £8.2m of Housing Infrastructure Fund (HIF) grant money to support delivery of a new junction to the A361.

Since that time, work on the EUE scheme, junction and linking road has progressed. Devon County Council has also undertaken a competitive tendering exercise in relation to the second phase of junction works which would see the delivery of the second set of slip roads and overbridge of the junction scheme, along with further works. It was anticipated that the cost of these works may exceed the available budget owing to recent cost inflation and limited contractor capacity and, based on Devon County Council estimates, the August 2021 Cabinet report projected this possible shortfall as £1.9m.

The County Council's tendering exercise has now identified a preferred bidder, however the total cost significantly exceeds the previous estimated shortfall of £1.9m. This is due to significant increases in construction sector costs and the need for an increased contingency to reflect the current contractor marketplace and the volatile prices of steel, concrete and aggregate.

Since identifying this increased shortfall, officers have been working to consider ways in which this shortfall could be mitigated and have also sought to identify further funding to support delivery.

Further work is therefore required to consider options to support delivery of the scheme and further discussions are required with partners, including Homes England and DCC, around ways in which the project might be funded and delivered.

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

27. CREDITON NEIGHBOURHOOD PLAN (00:26:00)

The Cabinet had before it a report * from the Director of Place seeking approval for the recommended modifications made in the Examiner's Report and seeking approval for the Crediton Neighbourhood Plan to proceed to referendum.

The Cabinet Member for Planning and Economic Regeneration outlined the contents of the report and stated that Crediton Town Council had been preparing a Neighbourhood Plan following the designation of the neighbourhood area in July 2014. The neighbourhood area covered the parish of Crediton. The preparation of the neighbourhood plan had included consultation on a pre-submission draft plan in 2019 and consultation on a regulation 16 publication plan in late 2021. The Neighbourhood Plan had since been examined and Mid Devon District Council received the final Examiner's report on 13th May this year.

There was now a need for the Council to consider the Examiner's recommended modifications and reach a decision as to whether the Crediton Neighbourhood Plan with the Examiner's recommended modifications and a typographical correction be agreed, and that the plan proceeds to a local referendum.

Should the recommendations to Cabinet be agreed then once that decision comes into effect, a Decision Statement will be published and a local referendum will be arranged in accordance with the relevant regulation requirements. It is likely that this local referendum would take place in late September or early October this year. Following the local referendum, if more than 50% of those voting, vote 'yes' then the Neighbourhood Plan will come into force as part of the statutory development plan for the Crediton area. The Neighbourhood Plan must be 'made' within eight weeks of the local referendum through its formal adoption by the Council.

The Planning Policy Advisory Group had noted the recommendations of this report at its meeting on the 17th June.

RESOLVED that

- a. The Examiner's modifications be agreed, and that subject to these modifications the Crediton Neighbourhood Plan is determined to meet the Basic Conditions (as defined in Town and Country Planning Act 1990 Sch 4B) and other legislative requirements;
- b. The Decision Statement attached at Appendix 2 be approved; and
- c. The Crediton Neighbourhood Plan (at Appendix 3) subject to the Examiner's modifications and the typographical correction to the title of Map 5 Views, proceed to a local Referendum based on the boundary of Crediton Neighbourhood Area.

(Proposed by Cllr R Chesterton and seconded by Cllr Mrs C Daw)

Reason for decision:

The Examiner has undertaken a fair examination of the submitted Neighbourhood Plan, properly considering all duly made representations.

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

28. UK SHARED PROSPERITY FUND (00:30:00)

The Cabinet had before it a report * from the Director of Place seeking Member approval for the submission of an Investment Plan for Mid Devon under the Government's UK Shared Prosperity Fund.

The Cabinet Member for Planning and Economic Regeneration outlined the contents of the report and stated that the Investment Plan needed to be submitted to Government by 1st August 2022. The report stated that this was part of a 3 year funding plan and as part of the Government's Levelling Up agenda and replaced the European Structural Funds that were previously used for economic development and community cohesion. Mid Devon had been allocated £1,064,159 as a formula grant but must submit an investment plan. There had been a rigorous process of data analysis and stakeholder engagement to identify the most appropriate interventions and projects. The attached appendices to the report identified the logic framework behind each of the proposals which fell under the three pillars of the Shared Prosperity Fund:

- Communities and Places
- Supporting Local Businesses
- People & Skills

Since the report had been written the Government had reprofiled the funding, weighting the budget towards the third year. The annual split was now as follows:

| | | |
|---------|-----|----------|
| 2022/23 | 12% | £129,146 |
| 2023/24 | 25% | £258,291 |
| 2024/25 | 63% | £676,722 |

The exact figures would need to be adjusted as negotiations with partners were finalised before the bid was submitted.

Consideration was given to:

- Whether the same amount of funding had been allocated to other similar authorities.
- The number of deserving causes within Mid Devon.
- Whether the Council was able to meet the timetable set out within the Investment Plan.
- The fact that the amounts quoted may change further going forwards but the aim to support businesses, communities and people would remain as a key priority.
- The Economy PDG had met informally to discuss the bid and the proposed aims and it had been very supportive.

RESOLVED that:

- i. The investment priorities set out in the Shared Prosperity Fund Investment Plan and the level of proposed investment in each priority area be approved.

- ii. Delegated authority be given to the Director of Place (in consultation with the Portfolio holder for Planning and Economic Regeneration) to finalise the investment plan and submit the bid on behalf of the Council.

(Proposed by Cllr R Chesterton and seconded by Cllr A Moore)

Reason for the decision:

Under the UK Shared Prosperity Fund, the Government has allocated £1,064,159 over a three year period to Mid Devon, to support economic development and community cohesion under its 'Levelling Up' agenda, subject to the approval of a locally agreed Investment Plan.

The funding will help deliver projects which contribute towards meeting objectives within both the Council's Economic Strategy and its Corporate Plan 2020-24.

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

(ii) The Leader thanked the Policy Development Group and the Scrutiny Committee for their considerations towards the Corporate Plan Mid Point Review and the UK Shared Prosperity Fund.

29. SOUTH WEST MUTUAL BANK UPDATE (0042:00)

The Cabinet had before it, and **NOTED**, a report * from 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 and stated that as previously noted progress had been slowed down by Covid19 and legal issues surrounding setting up a new bank. Work had been undertaken to review the options for setting up the bank and a new gradual approach and perhaps pragmatic way to proceed had been identified. The new Agroecology Fund would be launched this financial year, however attracting capital investment was still proving difficult. Progress had been slow but a new direction of travel was being implemented.

Discussion took place regarding:

- The frustrations involved in this not having moved further on despite Covid. It was confirmed that these concerns would be reflected back to the Managing Directors at the next meeting of Finance Managers.
- The importance of an official banking network in Cullompton and the need to progress this as soon as possible.

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

30. NOTIFICATION OF KEY DECISIONS(00:46:00)

The Cabinet had before it and noted its rolling *plan for August 2022 containing future key decisions.

The clerk informed the meeting of one additional item to the plan.

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

(The meeting ended at 10.48 am)

CHAIRMAN

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **CABINET** held on 9 August 2022 at 10.00 am

Present

Councillors

R M Deed (Leader)
C J Eginton, R J Chesterton, Mrs C P Daw,
D J Knowles, B A Moore, S J Penny and
C R Slade

Also Present

Councillors

S J Clist, L J Cruwys, R J Dolley, Mrs S Griggs,
B Holdman, B G J Warren and A Wilce

Also Present

Officers

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), Simon Newcombe (Corporate Manager for Public Health, Regulation and Housing), Maria De Leburne (Operations Manager for Legal and Monitoring), Nicola Cuskeran (Interim Corporate Performance Manager & Safeguarding Officer), Darren Beer (Operations Manager for Street Scene), Lisa Lewis (Corporate Manager for Business Transformation and Customer Engagement), Tina Maryan (Area Planning Officer) and Sarah Lees (Member Services Officer)

31. **APOLOGIES**

There were no apologies for absence.

32. **PUBLIC QUESTION TIME**

The following questions were received from members of the public:

Mike Stoneman – stated that he was Chairman of the Riverside Club in Tiverton which is adjacent to the development that is happening down by the river. He continued...I have a number of questions here all relevant to the 3RDL Company.

If the contractors, presumably Three Rivers, have accepted the responsibility for managing the Environment Control Plan, why aren't they fulfilling their obligations to actually follow that plan? Secondly why aren't the Council policing and enforcing this? I have a question about Right of Way, the residents for this new development have access through a driveway from St Andrews Street, will they also have access or ROW through the archway next to the Town Hall? I would like this clarified because at the moment it does tend to be a rat run for the contractors themselves and as far as I understand it the contractors have been told they cannot use the archway as an entrance to the site. Finally, we have a security issue at the club, there is a new retaining wall built adjacent to the existing retaining wall at the rear of

the development which is about 2 feet away from our wall and it effectively compromises the security of our building, so much so that at 1.30am the previous Monday we had to call the Police because we had people that were on the site presumably looking for something to steal.

Ana Hendy – I am on Tiverton Town Council and I chaired the recent meeting for local residents regarding the St George's Court development. Following that meeting, Tiverton Town Council has been made aware of several complaints and concerns which they have submitted to the company. A document has been issued with 15 different questions which I won't go through one by one. Residents say they have previously raised most of these issues before but have not received a satisfactory response. I would like to ask when we might expect a reply to the issues raised and would MDDC Cabinet be able to submit a request to Three Rivers, as a company wholly owned by Council, that these items be addressed quickly and fully? Thank you.

Debbie Winter – I am a Steward at the Riverside Club and also live in the building which faces Three Rivers. Obviously I am one of the residents so some of these questions are from all of the other residents and people from the club. First question is, why is there no security on site at night? As you have been informed we have had break ins or attempted break ins and obviously the site is very dangerous especially when the young ones are walking across the scaffolding from building to building. My worry is for the young children that are up there. There should be someone there to at least watch the site. Second question, how many visits have been to the site from MDDC Health and Safety? Have they been recorded? Have residents complaints been recorded? Thirdly, the entrance from St Andrews Street is a dusty mess, it is a health and safety hazard for residents and workers. Why was there no road constructed from St Andrews Street before works commenced? Why are builders coming in and out through the archway, one comes in driving like a lunatic, in a minute somebody is going to be killed. My husband and I on two occasions have either been coming in or going out and he has only just missed our car. I did speak to Mr Sanderson this morning who did come and have a look with somebody else, he said he wasn't aware of this but I did mention it to the site manager.

I did also put some questions in but have not had any replies. The scaffolding is adjacent to our patio area, the amount of debris that we have had to clean up from the building site is incredible, there should have been some sort of netting put up? We had an incident with a scaffold pole coming down from the top. My boss was putting up a gazebo for a function we were having in the evening, it bounced off two stones, which I do have pictures of, and damaged the cottage front door so I have had a new door put in. That could have been avoided if the netting had been put up, luckily nobody was hurt but again the health and safety doesn't seem to be very strong on the site.

The builders are throwing blocks from the top of the scaffolding down to the ground. We do have elderly people that come through with mobility scooters. We have the builders blocking our disabled access gate with scaffold poles, wood, bricks, sand and cement. If you ask them to move it the abuse you get from some of them is unbelievable. The only one who is any good is the man who drives the forklift, he will come and move it for you but disabled clients have struggled to get in and out of the disabled access. I understand it is a building site and I understand that you do need

to put things in places but there are other places you could put it without blocking a disabled access?

The Leader thanked the speakers for their comments and stated that he did have two emails from Cllr Elstone which had a number of questions which he did not propose to deal with now, they would be dealt with after this meeting.

The Leader further stated that the questions posed all related to the operational function of Three Rivers, not directly the responsibility of this Cabinet at this meeting. The item on the agenda this morning was regarding the annual report. Notwithstanding he did appreciate the public's attendance and all of the questions. There were others which had been received would be forwarded on the Three Rivers Company for them to address pdq.

33. **DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT**

Cllr Mrs C Daw declared a personal interest in that she had been present at the Tiverton Town Council meeting where 3RDL developments were discussed on 4th August 2022.

34. **MINUTES OF THE PREVIOUS MEETING**

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

35. **MEETING MANAGEMENT**

The Leader informed those present that he would be taking item 13 – '3 Rivers Developments Limited – Annual Report', as the next item of business.

36. **3 RIVERS DEVELOPMENTS LIMITED - ANNUAL REPORT (00:13:00)**

The Cabinet had before it, and **NOTED**, a report * from the Deputy Chief Executive providing it with an Annual Report which also included the company's Accounts as per the conditions of the Shareholder Agreement.

The Cabinet Member for Finance outlined the contents of the report and stated that:

- Overall performance remained on track.
- There had been some revised Treasury rules which had hampered progress throughout the year.
- Council returns were steady and prospects remained positive.
- As a development company it needed to remain innovative.
- A revised Business Plan was expected in the near future.

Discussion took place regarding:

- Information relating to the company was available through Companies House.
- Additional information was requested to be provided to Members within the restricted report.
- It was confirmed that responses to the questions raised during Public Question Time would be responded to by the Company within 7 days.

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

37. HOUSING INITIATIVES PROJECT - PURCHASE OF HOUSES IN MULTIPLE OCCUPATION (HMO'S) FOR TEMPORARY ACCOMMODATION (00:24:00)

Following consideration of a report * of the Corporate Manager for Public Health, Regulation and Housing the Homes Policy Development had recommended that: Option 2 – to purchase one property – Scheme 1 – be approved as the preferred option in terms of size, location and ongoing maintenance. They had also recommended that full funding be utilised from Earmarked reserves (EMRs) as set out in Section 3.3 of the report.

The Cabinet Member for Housing thanked the Homes Policy Development Group for their consideration of this matter, however, he was not of the same mind as he believed purchasing two properties could house up to 14 people and could save the Council a significant amount of money in B&B costs.

The Corporate Manager for Public Health, Regulation and Housing provided the following summary:

- Current hotel and B&B costs were a significant expenditure to the Council.
- Purchasing these properties would ultimately reduce these costs and provide more flexibility when trying to house Homeless individuals.
- The properties provided an attractive opportunity to potentially house up to 14 people and were located centrally within the district.
- It was anticipated that capital costs would be covered by utilising earmarked reserves (EMRs) for private sector housing and homelessness. The revenue costs would be covered by other Rough Sleeping Initiative funding and Flexible Homeless Grant.
- Ultimately there would be a significant difference in terms of cost between housing a person in the Council's own property of approximately £71 a week compared to the B&B cost of £374 a week.

Consideration was given to:

- It was anticipated that both properties would be fully occupied.
- As property assets their value would likely increase in the future.
- Repairs and refurbishments were anticipated to be completed 'in house'.
- Tenants would be supported by the Homelessness Team as well as receiving contracted specialist support in order to ensure the needs of vulnerable Tenants were met.
- The Council had to maximise all opportunities presented to it in terms of trying to house Tenants. There were also opportunities to work with other care providers and Housing Associations.

Following this initial discussion the Cabinet decided to go into Part II by passing the following resolution:

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 Leader)

Returning to Part I, the Cabinet,

RESOLVED that:

Both properties be purchased and that full funding be utilised from Earmarked reserves (EMRs) as set out in Section 3.3 of the report.

(Proposed by Cllr S Penny and seconded by Cllr C Eginton)

Reason for the decision – the project provides a long term solution to the provision of temporary accommodation.

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

38. **TENANCY STANDARD POLICY FRAMEWORK (01:11:00)**

The Cabinet had before it a report * from the Corporate Manager for Public Health, Regulation and Housing presenting the Tenancy Standard Policy Framework for approval.

The Corporate Manager for Public Health, Regulation and Housing outlined the contents of the report and stated that the updated policy incorporated 4 of the Homes Standards, they being, Homes, Neighbourhoods, Tenancy and Tenancy Involvement and Engagement. It also covered elements relating to the allocation of properties, how tenancies were managed and the support offered to vulnerable tenants.

RESOLVED that the updated policies within the overarching Tenancy Standard Policy Framework be approved.

(Proposed by Cllr S Penny and seconded by Cllr Mrs C Daw)

Reason for the decision – MDH is a social landlord and is registered with the Regulator for Social Housing (RSH), meaning that it is a Registered Provider (RP). The RSH sets consumer standards and the Tenancy Standard is one of these. The role of the regulator was to intervene where failure to meet the standards has caused, or could have caused, harm to tenants. Agreed housing policy provides a framework for decision making which ensures that customer-facing teams deliver consistency in the discharge of duties to support good housing management. This would ensure that both properties and tenancies were managed effectively and reduced reputational risk.

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

39. **PLAY AREA SAFETY INSPECTION POLICY (01:14:00)**

The Cabinet had before it a report * from the Corporate Manager for Property, Leisure and Climate Change reviewing the way in which the Council manages its play area risk assessments and safety inspections.

RESOLVED that:

1. The current risk assessments and safety inspections frequency were considered adequate to meet the Council's responsibilities and for individual pieces of play equipment to be identified on the Risk Assessment forms.
2. Digital transformation of the current inspection method would make the task more efficient and that implementation of a process would be expedited.

(Proposed by Cllr C Slade and seconded by Cllr S Penny)

Reason for the decision - The Council must have an inspection and maintenance regime for its play areas as stated within the Health and Safety at Work Act 1974 and the Management of Health and Safety at Work Regulations (1999) to ensure the health and safety of users, as far as reasonably practicable.

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

40. **EAST CULLOMPTON MASTERPLAN SPD (01:17:00)**

The Cabinet had before it a report * from the Director of Place seeking approval for the East Cullompton Masterplan SPD to go out the public consultation. It also sought approval for the continuation of technical work focussed on Junction 28 of the M5, including the utilisation of £800,000 of Homes England capacity funding, to support the development of a Strategic Outline Case/Outline Business Case to support future applications for funding and discussions with key stakeholders about timely delivery of critical enabling infrastructure.

The Cabinet Member for Planning and Economic Regeneration outlined the contents of the report and stated that:

- Policy CU7 of the Mid Devon Local Plan allocates 160 hectares of land at East Cullompton for 2,600 homes, employment, infrastructure, greenspace and community facilities. The policy requires adoption of a masterplan as a Supplementary Planning Document before any planning application could be determined.
- Whilst the Masterplan SPD focuses on the existing East Cullompton allocation, garden village status for the development of up to 5,000 new homes in the East Cullompton area was granted by the Government in 2017, and there is a clear direction of travel towards a garden village of significantly greater scale than the East Cullompton allocation.
- As only the first phase of the proposed garden village is allocated, it is not possible to set out the masterplan requirements for the whole of the garden village within the SPD. At this stage, it is therefore proposed

only to develop a detailed Masterplan for East Cullompton, with Section 6 of the document looking at how a wider garden village might be developed, should it be allocated in a future Local Plan.

- The report provides details of the draft Masterplan SPD, the background work to date, comments from the design review panel and Planning Policy Advisory Group, and details of the proposed public consultation. Feedback from public consultation would help to shape the final version of the Masterplan SPD which, once adopted, would support the Local Plan, and guide the development of the proposed allocation.
- In addition, the Council had received £800,000 of capacity funding from Homes England specifically to progress technical work in respect of strategic highway improvements at Junction 28 of the M5. These improvements were required by the Local Plan in order to bring forward development. It was proposed that the technical work would include transport modelling, an options assessment and environmental reports in order to progress a Strategic Outline Case for the required highways improvements.

A brief discussion took place regarding the Cullompton Town Centre Relief Road and whether or not there was a requirement for it to be delivered before any homes could be occupied on the East Cullompton allocation. It was confirmed that the Local Plan policies for East Cullompton required improvements to capacity at Junction 28 of the M5. Capacity modelling carried out by Devon County Council for the Local Plan examination currently requires the Town Centre Relief Road to go in first. However, the technical work being progressed by Devon County Council includes capacity modelling and this work could amend the position. Mid Devon would take advice from Devon County Council on this.

RESOLVED that:

1. That the document at Appendix 1 is approved for public consultation.
2. That delegated authority be given to the Director of Place in consultation with the Cabinet Member for Planning and Economic Regeneration to finalise the consultation material.
3. That delegated authority be given to the Director of Place to utilise £800,000 of Homes England capacity funding to continue the technical work to support development of a Strategic Outline Case/Outline Business Case in respect of Junction 28 of the M5.

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

Reason for the decision - The Masterplan SPD would provide guidance on the planning and delivery of a strategic site for Mid Devon. The Masterplan SPD directly relates to all four Corporate Plan 2020-24 priorities including Homes, Environment, Economy and Community. The Junction 28 infrastructure project is considered vital to enable development identified in the Local Plan to come forward and make a

substantial contribution to delivering the priorities of the Corporate Plan 2020 to 2024; Economy, Homes, Community and Environment.

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

41. **THREE WEEKLY WASTE COLLECTION SCHEME - CABINET IMPLEMENTATION UPDATE JULY 2022 (01:25:00)**

The Cabinet had before it a report * from the Operations Manager for Street Scene and Corporate Manager for People, Governance and Waste providing an update and review of the operational arrangements for rolling out the three weekly bin collection scheme in October 2022.

The Cabinet Member for the Environment and Climate Change outlined the contents of the report and highlighted the new “Bin It 1:2:3” scheme. Very comprehensive information was available and FAQ’s with answers were on the website. Households had been written to. The overall intention was to reduce the carbon footprint, increase what is recycled and reduce residual waste, which would also make a saving of circa £160k per year. There would be initial costs but there would be savings down the line. The new scheme was planned to start on 10th October 2022.

Consideration was given to:

- The ‘modest’ increase in costs initially regarding the bins, ancillary costs, education and enforcement.
- Were seagull sacks the best alternative to bins? It was confirmed that the team would be liaising with local residents regarding this.
- More information was needed about recycling rates so as to inform the budgetary process in the autumn. This should also include a cost/benefit analysis.

RESOLVED to note the report but also requested that a more in depth report on recycling be brought back to the Cabinet before December including consideration of how recycling was working in neighbouring local authorities. This would help to inform the Cabinet during budgetary considerations for next year.

(Proposed by Cllr R Chesterton and seconded by Cllr C Eginton)

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

42. **FINANCIAL MONITORING (01:42:00)**

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

The Cabinet Member for Finance outlined the contents of the report with reference to the following:

- This set the scene for the Council’s annual financial forecasting based on the first quarter of 2022/23. In summary it showed a projected General Fund overspend of £258k and Housing Rev Account underspend of £217k. Clearly the cost-of-living situation, notably the headline CPI rate of 9.4%, was now

having a material impact on the Council's performance, especially with regard to fuel and utility expenditure. As secondary effect of falling collection rates for both Council Tax and Business Rates was occurring as financial pressures grow on residents and businesses.

- Performance was also being impacted by staffing recruitment and retention issues, further exacerbated by the current ongoing pay negotiations. On this point, this report included an average salary increase from a budgeted 2% to possible 3% whilst the unions were considering an initial £1,925 fixed sum pay offer which would be an average slightly higher percentage. Overall, given all the inflationary pressures in play, the Council had done well to achieve the projected outturns.
- Officers would continue to monitor all of the prevailing budget issues with regular updates provided. These would inform the MTFP and presented to a Cabinet meeting in October, and were also being reflected in early calculations for the 2023/24 Budget.
- **Agenda Item 13 – 3RDL Annual Report**
This is the Annual Report for 3RDL up to the end of Mar 22. The year saw the completion of the Halberton project at a profit, continuation of the St George's Court project where overall performance had remained on track, and the start of the Bampton project. As with any business, 3RDL had faced a number of risks and issues over the year but the most significant change was revised Treasury rules placing limits on where the business may operate. There had also been delays in some important projects being ready to start for reasons beyond the business's control. These hampered progress in the year and the impacts continued to be felt.
- The annual report provided an opportunity to consider whether the business remained a sound investment for the Council. Of itself, whilst still making a loss in 21/22, Council returns are steady and the business stable. Risks and issues were not unusual but importantly prospects remain positive for profitable projects, particularly given the buoyant state of the housing market. However, development companies must be innovative and agile in a competitive market and in the face of labour and cost pressures. The Council looks forward to the revised Business Plan which is in preparation to be considered by the Cabinet and then consolidated into the Council's 2023/24 draft budget position where this outlook will be further examined.

A brief discussion took place regarding the completion date for the St Georges Court development. It was stated that construction work should be complete by the end of the year. Construction at the Bampton site was progressing well but there had been labour issues, however, it was hoped this would be complete by the end of the financial year.

RESOLVED to:

- a) Note the financial monitoring information for the income and expenditure for the three months to 30 June 2022 and the projected outturn position.

- b) Approve the Deliverable Capital Budget for 2022/23, including the request to bring forward £2,925k of expenditure relating to Salix funded decarbonisation schemes and £56k of S106 expenditure from later years, noting the remainder of the Overall Capital Programme is planned to be spent in 2023/24 to 2026/27.
- c) Note the use of Waivers for the Procurement of goods and services as included in Section 10;

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

Reason for the decision - Regular financial monitoring information mitigates the risk of unforeseen over or underspends at year end and allows the Council to direct its resources to key corporate priorities.

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

43. **PERFORMANCE AND RISK (01:50:00)**

The Cabinet had before it, and **NOTED**, a report * from the Corporate Manager for People, Performance & Waste providing it with an update on performance against the Corporate Plan and local service targets for 2022-23 as well as providing an update on the key business risks.

A brief discussion took place regarding carbon footprint assessments and when the Cabinet would be receiving the 2021-2022 data. The Cabinet Member for the Environment and Climate Change stated that this query had been forwarded to the Climate Change Officer and a response was awaited.

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

44. **UPDATE FROM THE CABINET MEMBER FOR CONTINUOUS IMPROVEMENT (01:51:00)**

The Cabinet Member for Continuous Improvement provided a verbal update on the work in her area. This included the following:

- She continued to work positively with officers by helping to resolve issues raised to help drive 'continuous improvement'. Working directly with members of the Corporate Management Team was proving very effective.
- A new enforcement contractor had been allocated historic cases to clear over the next 6 months.
- A draft of the Local Enforcement plan with a view of setting up a working group to review and amend was underway.
- The number of cases outstanding was 334 of which 174 were pre-2022, these were being worked on. Many were not high priority and could be cleared.
- **Abandoned Vehicles** - There had been 48 outstanding abandoned vehicle enforcements resolved in the last six months. Since the end of June the Council had received a further 16 reports regarding abandoned vehicles of which 9 had received 7 day removal notices (final checks to be completed 1 August). FPN's would be issued to those vehicles not removed so the Council could remove them.

- **Parking and Litter Enforcement** - Evening patrols of town centre car parks and streets had started. This had uncovered significant issues in relation to overnight parking and appropriate steps had been taken regarding the follow up action to be taken. This had meant that a considerable high number of PCN's had been issued in June and July 22.
- Litter patrols were also being conducted in the District with a particular focus on Crediton, Cullompton and Tiverton town centres. 38 patrols were carried out in the first quarter of 22/23 compared to 8 that were conducted in 21/22. A new policy will be brought forward for consideration to the September Environment PDG regarding the Council's litter enforcement practice and how this is managed appropriately.
- **Street Cleansing (including inspections)** – The Council had completed a full cleansing inspection (this assesses the cleanliness of our roads and streets) in Tiverton and would be completed soon in Crediton. This assessment leads to a grading between A and D (A no litter or refuse present, D heavy littering present with significant culmination). In Tiverton most of the gradings were A and B with Crediton seeing the majority of assessments also of an A and B standard.
- The Council aimed to complete the cleansing inspections of all three towns (including Cullompton) by the end of September 2022 with a view to recommencing further inspections to be carried out in quarter 3 to be completed by the end of quarter 4. This would allow the two sets of results to be compared and improvements or areas of deterioration identified. This would also allow the Council to proactively evaluate the impact of the introduction of 3 weekly bin collections on the 10 October 2022 in the District.
- The Council recently applied to Keep Britain Tidy to obtain funding for the removal of gum (chewing) residue. This resulted in the Council receiving £15K to fund industry specific gum removal machinery that would aid the removal of gum residue.
- **District Officers Wearing Body Cameras** - Steps had been taken to allow body cams to be worn by District Officers to protect their health and safety from this autumn 22. This had been reported in the local media.
- **Housing Voids** - There would be an in-depth review seeing Cllrs working with Officers, Directors and relevant CMT officers.
- **Complaints**- The Cabinet Member would be looking at the process to better understand the nature of complaints and why some take so long to reply to. She understood that complaints have gone down in the last quarter.
- **Council Tax Energy Scheme** – She congratulated those involved in Mid Devon's performance which was in the top 5% in the County.

Discussion took place regarding:

- The Council did not have the resources available to 'police' each planning application. The public were encouraged to complete the online form if they had specific concerns.
- The importance of keeping Ward Members up to date with issues in the areas.
- A revised Enforcement Policy would be going to the Scrutiny Committee for discussion in the near future.
- It was confirmed that the Cabinet Member for Continuous Improvement had full visibility of the 'tracker'. This could be accessed by specified senior officers for updating purposes.

45. **NOTIFICATION OF KEY DECISIONS (02:16:00)**

The Cabinet had before it, and **NOTED**, its rolling plan * for August 2022 containing future key decisions.

It was confirmed by the clerk that there had been no movement in the Forward Plan since the publication of the agenda for the meeting.

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

(The meeting ended at 12.17 pm)

CHAIRMAN

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **SCRUTINY COMMITTEE** held on 25 July 2022 at 2.15 pm

Present

Councillors

S J Clist (Chairman)
G Barnell, E J Berry, L J Cruwys,
Mrs S Griggs, F W Letch, Mrs E J Lloyd,
S Pugh, R F Radford, Mrs E J Slade and
A Wilce

Also Present

Councillor(s)

J Buczkowski, R M Deed, R Evans and B G J Warren

Also Present

Officer(s):

Jill May (Director of Business Improvement and Operations), Maria De Leburne (Operations Manager for Legal and Monitoring), Paul Deal (Corporate Manager for Finance), Dean Emery (Corporate Manager for Revenues, Benefits and Recovery), Lisa Lewis (Corporate Manager for Business Transformation and Customer Engagement), Matthew Page (Corporate Manager for People, Governance and Waste), Clare Robathan (Policy and Research Officer) and Carole Oliphant (Member Services Officer)

12 **APOLOGIES AND SUBSTITUTE (0.03.55)**

There were no apologies or substitute Members.

13 **DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (0.04.09)**

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

14 **PUBLIC QUESTION TIME (0.04.18)**

There were no questions from members of the public present.

15 **MINUTES OF THE PREVIOUS MEETING (0.04.27)**

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

Notes:

- i. Two proposals to amend the minutes of the last meeting were not supported
- ii. Cllrs G Barnell and A Wilce requested that their votes against the decision be recorded
- iii. Cllrs L J Cruwys, F W Letch and Mrs E J Lloyd requested that their abstention from voting be recorded

16 **DECISIONS OF THE CABINET (0.19.52)**

The Committee **NOTED** that none of the decisions made by the Cabinet on 12th July 2022 had been called in.

17 **CHAIRMAN'S ANNOUNCEMENTS (0.20.05)**

The Chairman reminded the Committee of the next scheduled meeting on 22nd August 2022.

18 **WHISTLEBLOWING 6 MONTH UPDATE (0.20.27)**

The Committee **NOTED** that there had been no whistleblowing instances in the previous 6 months.

19 **LEADERS ANNUAL REPORT (0.21.23)**

The Committee had before it, and **NOTED**, the Leaders Annual Report for 2021-2022.

The Leader informed the Committee that he had not received any advance questions and that an updated report would be presented to the next Audit Committee.

Consideration was given to:

- There was currently no data available to confirm how many failures of the Homes for Ukraine's scheme had occurred in Mid Devon
- The Government had allowed Ukrainian refugees to move schemes if a breakdown in families occurred which enabled them to stay in the UK
- If any Ukrainian refugees became homeless in Mid Devon due to break down of relationships with their hosts that the Council had a statutory requirement to rehome them and officers remained committed to helping refugees
- Members request that data on affordable housing be updated and included in future reports
- Members gratitude to the Revenue and Benefits Service for the high collection rates of Business Rates and Council Tax

Note: *report previously circulated and attached to the minutes

20 **PARTICIPATORY BUDGETING (0.35.49)**

The Committee had before it the Terms of Reference for a spotlight review into Participatory Budgeting.

Cllr Mrs E J Lloyd introduced the proposal and explained the review would look at how the Council could bring communities into the budget setting process.

The Corporate Manager for Finance explained that the review would need to be limited to smaller projects as the majority of the Council's budget was spent on mandatory services. He explained that some smaller projects were already open to public participation through the S106 Contributions process.

The Leader stated that the Members set the budget, not officers and that anything which brought the public into the process would be welcomed.

The Scrutiny Committee **AGREED** to the Terms of Reference for a spotlight review into Participatory Budgeting.

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

It was therefore **AGREED** that the following Members of the Scrutiny Committee take part in the Spotlight Review:

- Cllrs Mrs E J Lloyd and S J Clist
- The Cabinet Member for Finance would also be invited to take part in the review

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

21 **WORK PROGRAMME**

The Committee reviewed the current *Forward Plan and *Scrutiny Work Plan and **NOTED** the following items:

- Forward Plan – no items were identified for pre Scrutiny
- An update from the Policy Research Officer who stated she would chase East Devon District Council for a commitment into a joint project to look into the Bio Energy Industry and would also extend an invitation to Somerset West and Taunton Council.
- There had been some suggestions for work highlighted at the informal meeting on 11th July 2022 which had been added to the Work Plan for the remainder of 2022-2023
- Members requested the voids report being prepared by the Cabinet Member for Housing and Property Services and the Cabinet Member for Continuous Improvement be presented to the Scrutiny Committee
- Members requested that a report on the Councils involvement in the Homes for Ukraine scheme be presented to the Scrutiny Committee

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

(The meeting ended at 3.22 pm)

CHAIRMAN

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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **AUDIT COMMITTEE** held on 2 August 2022 at 5.30 pm

Present

Councillors

N V Davey (Chairman)
J Buczkowski, W Burke, Mrs C Collis,
R Evans, R L Stanley, A White,
Mrs N Woollatt and A Wyer

Also Present

Councillors

R M Deed, R J Dolley, B A Moore and B G J Warren

Also Present

Officers

Andrew Jarrett (Deputy Chief Executive (S151)), Matthew Page (Corporate Manager for People, Governance and Waste), Dean Emery (Corporate Manager for Revenues, Benefits and Recovery), Lisa Lewis (Corporate Manager for Business Transformation and Customer Engagement), Paul Middlemass (Audit Manager), Nicola Cuskeran (Interim Corporate Performance Manager & Safeguarding Officer), Kieran Knowles (Accountant), Sarah Lees (Member Services Officer) and Carole Oliphant (Member Services Officer)

PLEASE NOTE:

DURING THIS MEETING TECHNICAL ISSUES WERE ENCOUNTERED RELATING TO A LOSS OF CONNECTION WITH THE INTERNET. THIS WAS A LOCAL NETWORK ISSUE AND OUTSIDE OF THE COUNCIL'S CONTROL. THIS MEAN'T THAT THE RECORDING WAS AFFECTED AND PEOPLE JOINING THE MEETING VIA ZOOM FROM OUTSIDE LOST CONNECTION FOR PART OF THE MEETING.

17. APOLOGIES

There were no apologies for absence.

18. PUBLIC QUESTION TIME

The following question was received from Mr Nick Quinn, local resident:

Concerning Agenda Item: 6 (Performance and Risk)

In paragraph 2.13 of the Performance and Risk report, the response to FOI requests, in the first quarter (Apr – Jun 2022) is stated to be 99%.

The Quarter 1 Corporate Appendix 5, also gives figures which support this.

However, other information published on the Council Website suggests that the percentage figures given to Members is not accurate.

The FOI/EIR Disclosure Logs for Apr – Jun 2022, published on the Council Website, show the number of actual FOI requests received and responded to, during this quarter, was 144.

Of these requests, 13 were answered after the 20 day legal requirement.

So only 131 were answered within 20 working days – which means the performance rate for this quarter was really only 91%.

My question is:

Are Members concerned about the difference between the FOI Performance percentage figure reported to them in both the Performance and Risk summary report, as well as the Quarter 1 Corporate Appendix 5, and the actual performance shown in the FOI/EIR Disclosure Log for Apr – Jun 2022 which is published on the Council Website?

The Corporate Manager for People, Governance & Waste provided the following answer:

The performance figures of 99% would be accurate.

There are a few circumstances where a public body can extend its FOI response time – allowing it to pull together more information or work out if it should provide people with the information that it has been asked for.

With the 13 cases that took longer than the 20 working day legal requirement, some have been communicated with the applicant, some have been waiting for staff to return (Covid or leave) to work.

There have been no times when requests have been unanswered or ignored, for example, they have been kept informed with where their case is.

Of the 13 outstanding cases, one still remains unanswered and the applicant is aware it is still being processed.

Two cases are fully exempted and the remaining 10 have been answered fully or partially.

The Chairman stated that he understood that the Devon Audit Partnership would be undertaking an audit on this area in the near future.

It was further stated that Mr Quinn had had to search through a spreadsheet on the website for the information he had extracted and that the quarterly summary available to the public was not up to date. Had it been, his question may not have arisen.

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

Cllr Stanley declared a personal interest in that he was a Director of the 3 Rivers Development Company.

20. **MINUTES OF THE PREVIOUS MEETING**

The minutes of the meeting held on 7 June 2022 were confirmed as a true record and signed by the Chairman.

21. **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman had the following announcements to make:

1. He had attended the South West Audit Chairs Forum in June which had been very useful. A number of presentations had been made and it had provided an opportunity to network with other Councillors in similar roles. He would circulate his notes to Members of the Committee.
2. He had attended a meeting of the Devon Audit Partnership on 12 July via Zoom where financial information was reported across the region. He also reported that Devon and Somerset Fire and Rescue Service would be joining DAP shortly.
3. He and the Vice Chairman had recently had a meeting with the Corporate Manager for Digital Transformation and Customer Engagement and the ICT Operations Manager regarding Cyber Security. They had been reassured that previous recommendations were being progressed and that DAP would be conducting a further audit in the near future.

22. **PERFORMANCE AND RISK (00:14:00)**

The Committee had before it, and NOTED, a report * from the Corporate Manager for People, Governance and Waste providing Members with an update on performance against the Corporate Plan and local service targets for 2022-23 as well as providing an update on the key business risks.

Discussion took place regarding:

- Whether the reduction of two play areas from 83 to 81 meant that they were being taken over by the relevant Town and Parish Council? The officer explained that she would find out and come back to the Committee.
- Figures regarding Fixed Penalty Notices were inaccurate within the report. It was explained that an updated report showing correct figures would be brought to the Environment Policy Development Group.
- It was stated that Cllr Wilce had had to resort to using FOI as he had not been getting answers to his questions in the normal way, he had said that he had at least 3 overdue requests. He had queried whether if an FOI request is late is it included in the figures until it is answered or just in the month it was made? Cllr Woollatt had looked in the logs and identified those from Cllr Wilce and had noted that they had N/A against them and wondered if Cllr Wilce would ever get a response, and if an FOI was refused shouldn't the enquirer get a

response with the reason of whatever exemption was being applied? It was requested that the Corporate Manager for Digital Transformation and Customer Engagement report back to the Committee with an answer.

- Concerns regarding staff resourcing, what actions were in place and what reassurance could be given to the Audit Committee since there wasn't anything within the report to provide this? It was explained that more flexible working arrangements were being arranged, the staffing structure within the Council was being looked at and a full establishment report would be brought to the Cabinet in the near future covering this area in depth.
- Concerns regarding whether planning applications were being dealt with within appropriate timescales.
- Risks in relation to the planning challenges faced by 3RDL and whether these were reflected to the correct extent within the report. It was explained that more detail could be provided in future reports especially in relation to complex issues such as the HIF.
- More data needed within the report in relation to the Tiverton Masterplan and digital activity.
- Staff appraisals and whether all staff were receiving them. It was confirmed that all staff were offered an appraisal. This had now moved online and approximately 91/92% had been completed. There had been some issues around the new software.
- Targets in relation to incubator space. The Economic Development Team had been heavily involved in work relating to the pandemic and the Homes for Ukraine Scheme and had not been able to focus on this area as much as they would have liked.

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

23. **DRAFT STATEMENT OF ACCOUNTS FOR 2021/2022 (00:40:00)**

The Committee had before it, and **NOTED**, the Draft Statement of Accounts * for 2021/22. This presented the draft version of the annual Statement of Accounts to Members which was published on the website and presented for external audit. The Committee were also presented with a hard copy of a previous presentation explaining the role of the Audit Committee in the approval of the Accounts. The draft Accounts had also been prefaced with statements from the Leader, Chief Executive and Deputy Chief Executive (S151) setting out the Council's financial position.

The core financial statements included the following:

- Movement in Reserves Statement
- Comprehensive Income and Expenditure Statement
- Balance sheet (which was showing a healthy position)

Also worthy of reflection were the:

- HRA position
- Pensions Liabilities
- The Group Accounts
- The Collection Fund

Consideration was given to:

- Some of the capital programme had not been delivered as close to timetable as would have been liked but overall the position was very positive. Movement regarding some of the significant projects had been outside of the Council's control due to increasing costs.
- Uncertainty around central Government funding moving forwards.
- The difficult balancing act between holding a healthy budget and expenditure on projects for the benefit for Mid Devon residents.
- The importance of medium term financial planning in the autumn ahead of budget setting the following February.
- Car parking and leisure income were still not back to pre-Covid levels.
- The effect of the cost of living crisis on local residents.
- The Accounts themselves had been publically available since May and the public given an opportunity to comment and ask questions.
- An error was identified in the Property Services area and this would need to be adjusted in the Accounts.
- The Accounts were a snapshot of the financial position as at 31st March 2022. They made reference to the sale of assets which had been completed following that date.

RESOLVED to approve the Draft Statement of Accounts for 2021/2022 subject to an adjustment in the Property Services area as identified by the Committee.

(Proposed by the Chairman)

Note: * Draft Statement of Accounts circulated previously, copy attached to the minutes.

24. **DAP INTERNAL AUDIT PROGRESS UPDATE (01:20:00)**

The Committee had before it, and **NOTED**, a report * from the Devon Audit Partnership presenting their internal audit progress report for the year to date.

The following was highlighted within the report:

- Summaries of recent audits were presented within the report.
- As part of the prevention of fraud work, it was stated that Devon County Council might be prepared to pay for an exercise to review single person discounts across the local region, it would then be up to district council's to decide if they wanted to take part. Currently the Council's preference was to use an external source. The Committee requested an update on this issue at their next meeting.
- As mentioned earlier in the meeting a Cyber Security audit would commence in the near future, as would audits on Data Protection, Climate Change, Grounds Maintenance, Car Parks and FOI requests.
- A lot of work had been undertaken to try to reduce the number of outstanding audit recommendations.
- Housing Benefits had been identified as a good service although it was noted there had been an increase in rent arrears. However, 3% in rent arrears needed to be seen within the wider context of £12.7m in rental income. The

national position regarding arrears was 7/8% therefore 3% reflected the hard work of the Housing rents team in trying to support tenants and speak to them on an individual basis.

- There had previously been some concern about resilience in the Payroll area but this had been resolved by recent recruitment.
- The audit of the Waste and Recycling area had been satisfactory although it was noted there was still a driver shortage issue.

Consideration was given to:

- Safeguarding training had needed to be 'face to face' hence a slight delay in meeting the timescale target.
- Whether staff 'working from home' was having any impact or delay on Council processes being progressed. It was confirmed that there was no correlation in staff working from home and the level of rent arrears.
- The financial challenges faced by Tenants.

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

25. **EXTERNAL AUDIT PROGRESS REPORT AND SECTOR UPDATE (01:51:00)**

The Committee had before it, and **NOTED**, a report * from the external auditors providing an update on their work to date. The following items within the report were referred to and discussion took place regarding:

- There were no significant issues to bring to the Committee's attention.
- The external audit would start on site in September.
- In previous years the audit opinion had been brought to Committee in July but due to the complexity of how services were now delivered and change to regulations the Government deadline had been pushed back to November.
- An indicative fee had been provided (and broken down) for their audit which included a possible additional element of £5k in relation to remote working. It was hoped this could be avoided by increased onsite working.
- The benefits of having an Independent member on the Audit Committee. This was recognised as good practice nationally but recruitment was difficult. There might be an opportunity to share Independent Members across local authorities going forwards. This was being considered by S151 officers across the region.
- Progress with the collection of evidence regarding the 3RDL accounts was going well.

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

26. **IDENTIFICATION OF ITEMS FOR THE NEXT MEETING (02:10:00)**

No additional items were requested to be on the agenda for the next meeting other than those which were already listed in the work programme. However, the following issues were identified:

- The final set of Accounts and Grant Thornton's findings would be brought to the November meeting. Since the Annual Governance Statement needed to

be approved at the same time as the Accounts this would need to be moved too.

- It was agreed that a review of the 3RDL Business Plan should be brought to Audit for comment before being presented to the Cabinet. Depending on whether this would be ready in time, it was agreed that this should be brought to the next meeting of the Audit Committee.

(The meeting ended at 7.45 pm)

CHAIRMAN

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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **ENVIRONMENT POLICY DEVELOPMENT GROUP**
held on 19 July 2022 at 5.30 pm

Present Councillors

E J Berry, W Burke, S J Clist, Miss J Norton,
R F Radford, R L Stanley and L D Taylor

Apologies Councillor(s)

J Wright

Also Present Councillor(s)

D R Coren, B G J Warren, J Buczkowski, Mrs C P Daw,
R M Deed, Mrs E J Lloyd and C R Slade

Also Present Officer(s):

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), Jason Ball (Climate and Sustainability Specialist), Darren Beer (Operations Manager for Street Scene), Luke Howard (Environment and Enforcement Manager), Jessica Watts (Member Services Apprentice) and Carole Oliphant (Member Services Officer)

16 APOLOGIES AND SUBSTITUTE MEMBERS (0.02.41)

Apologies were received from Cllr J Wright who was substituted by Cllr S J Clist.

Cllr E J Berry chaired the meeting.

Cllrs D R Coren and B G J Warren attended via ZOOM.

17 DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (0.03.03)

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

18 PUBLIC QUESTION TIME (0.03.13)

Laura Conyngham, a local resident, referring to the Climate Change Action Plan update stated:

At your meeting on 24th May, I was on zoom and could not be heard, so my question was spoken for me. This evening I am here in person. I have driven from Crediton in our tatty VW Polo X reg car. When it dies, I will need to be able to use a Co-car.

On 24th May I asked about action being taken to facilitate Co Cars Exeter's ambition to put electric club cars, for hire, on the Market Street and St Saviours Way car parks in Crediton.

From the council's reply that day, two, or possibly three, remote meetings had already taken place with Co-Cars. Another was scheduled for early June. Quotes from other firms, who might possibly be competitive, were being sought and all this would be presented in a further paper to the Environment Policy Development Group in July 2022, (today).

To members of Crediton COP26 Action group, this seems slow progress, while extraordinary temperatures show that the Climate Crisis is here. Co Cars in Crediton has been 'on the table' for some twelve months, and neighbouring authorities - Exeter, Teignbridge and East Devon – are making significant progress.

Please will the council provide an update on actions and progress since your meeting on 24th May?

In response the Corporate Manager for Property, Leisure and Climate Change stated that the Government offered funding for electric vehicle charging points and that the Council had secured funding for additional points to be installed in its car parks by the end of 2022.

He confirmed that officers had made contact with Co Cars but that they had yet to provide a detailed business plan. Once a plan had been received it would be used to benchmark car sharing options available and that additional options would be sought from alternative suppliers.

He explained that the offering to car share groups by Co Cars would not be dependent on the use of Council owned car parks and that alternative locations such as on street facilities and car share owners driveways had been used by the company in other locations outside of the district.

19 **MINUTES OF THE PREVIOUS MEETING (0.09.07)**

The minutes of the meeting held on 24th May 2022 were agreed as a true record and duly **SIGNED** by the Vice Chairman.

20 **CHAIRMAN'S ANNOUNCEMENTS (0.10.14)**

The Vice Chairman had no announcements to make.

21 **CABINET MEMBER FOR ENVIRONMENT AND CLIMATE CHANGE UPDATE (0.10.19)**

The Cabinet Member for the Environment and Climate Change gave an update on his portfolio and explained that in anticipation of the 3 weekly bin collections the residual waste bins and seagull sacks were being delivered to households. The bins and sacks included leaflets with frequently asked questions which would assist householders with the changes.

He explained that the public could request additional bins and sacks and that the Parish Council's had been advised of the roll out.

He provided detail of increased evening patrols by district officers in the town centres and car parks to tackle litter enforcement and that 48 abandoned cars had been dealt with in the previous 6 months.

Consideration was given to:

- All rounds are currently being reviewed prior to the roll out of three weekly to accommodate the new collections
- Paper copies of the waste and recycling schedules would be made available to all and the Parish Council's had the option to download and print a copy from the Council's website if required
- That people could request an alternative to the waste residual bins, such as seagull sacks, if required and the letters sent to residents would explain the process
- The removal of abandoned cars was cost neutral to the Council and if the registered owner could be traced it would be followed up with a fixed penalty notice

22 CLIMATE CHANGE ACTION PLAN UPDATE (0.19.50)

The Group had before it, and **NOTED**, a *report from the Climate and Sustainability Specialist providing an update on the Climate Change Action Plan.

The officer explained that the decarbonisation of the leisure centres was underway with plans being developed to install ground heat source pumps.

A new art mural had been painted on a wall owned by the Council in the Tiverton Pannier Market. Sustainable Tiverton had worked with artist Kate Crawford and local people to turn a "Net Zero Vision" into a public artwork to inspire community ideas and actions for a low carbon future. It had been funded by a number of external bodies.

He gave an overview of the Council's offering at the upcoming Mid Devon Show and explained that the theme would concentrate on environmental sustainability and officers on site would be accompanied by a range of sustainability specialists.

In response to a question asked about how the Council was doing against its target of Net Zero by 2030 the officer explained that the latest carbon footprint data was being investigated by Exeter University so the 2021-2022 figures was not yet known. He stated that there was more to be done to accelerate the reduction of greenhouse gas emissions, including investment in additional electric vehicle charging points and that the investment to decarbonise the leisure centres would make a big difference to the Councils carbon footprint.

Consideration was given to:

- Members requested that the update reports provided more concise focus on what had actually been achieved rather than restating past achievements

- That engagement with the community was ongoing with contact being made with local sustainability groups to align the Council's communications with what people wanted to see
- Members were invited to the Mid Devon Show stand in order that they could introduce the Climate and Sustainability Specialist to members of the farming community
- There were financial constraints with moving the action plan at a faster pace as there were lots of different organisations bidding for grants from the Government
- The Hydro scheme for the river Exe was moving forward and a report on costs and data would be brought to the project board when completed
- The bid for funding for the decarbonisation of the Councils social housing stock had not been successful but officers would keep applying for funding opportunities
- Members could refer topics about sustainability to the Net Zero Advisory Group for conversation and research

Note: *Report previously circulated and attached to the minutes

23 **PLAY AREA SAFETY INSPECTION POLICY (0.49.20)**

The Group had before it the *Play Area Risk Assessment and Safety Inspection Review from the Corporate Manager for Property, Leisure and Climate Change.

The officer explained that the review detailed the way in which the Council managed its play area risk assessments and safety inspections.

He explained that the last review had been undertaken in 2019 and that currently the Council had 83 play areas, 17 play areas were leased to Parish Councils and there were 3 closed sites. The Council carried out 2000 inspections a year by qualified Council employees and independent surveys were completed to maintain quality control.

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

- 1) That the current risk assessments and safety inspections were considered adequate to meet the Council's responsibilities and for individual pieces of play equipment to be identified on the risk assessment forms
- 2) That digital transformation of the current inspection method would make the task more efficient and implementation of a process would be expedited

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

Reason for the decision: The Council was required to have a maintenance and inspection regime for its play areas as stated within the Health and Safety at Work Act (1974) and the Management of Health and Safety at Work Regulations (1999)

Note: *Assessment and Review previously circulated and attached to the minutes

24 **PERFORMANCE AND RISK OUTTURN REPORT (1.02.57)**

The Group had before it, and **NOTED**, the *Performance and Risk Outturn report for 2021/2022 from the Corporate Manager for People, Governance and Waste.

The Corporate Manager for People, Governance and Waste outlined the contents of the report and explained that it provided Members with an annual review of the Council's performance against the corporate plan, service objectives and targets for 2021/2022.

Consideration was given to:

- Members appreciation of the high rates of collection for Council Tax and Business Rates at 96% and confirmation that a report detailing the reasons for the 4% not collected was due to be presented to the Scrutiny Committee in August
- Members would be provided with additional detail on how complaints were determined to have been closed
- £42m had been issued in business rate grants over the past 2 years
- Members would be provided with additional data on planning appeals granted for non-determination
- Funding had been received from the Governments levelling up fund by the Eden Project to develop plans for junction 27. No Council funds had been used

Note: *Report previously circulated and attached to the minutes

25 **ENVIRONMENT ENFORCEMENT; REVIEW AND WAY FORWARDS (1.22.42)**

The Group had before it, and **NOTED**, a *report from the Environment and Enforcement Manager on Environment Enforcement, a review and way forwards.

The officer outlined the contents of the report and explained that it provided a summary of the quarterly performance statistics in relation to the Environment and Enforcement service. It also provided a vision on service development moving forward.

Consideration was given to:

- The Council had arranged access to use the Traffic Penalty Tribunal Service in order that fixed penalty notices could be issued for littering from vehicles
- The use of body worn camera's and other forms of CCTV surveillance equipment was being investigated
- Members concerns that anti-social behaviour including fly tipping was not being addressed in rural areas

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

26 **WORK PROGRAMME (1.35.04)**

The Group had before it, and **NOTED**, the *Environment PDG Work Plan for 2022-2023.

The Group agreed that in regard to electric vehicle car sharing options an update would be brought to the PDG at the September meeting as part of the Climate Change Action Plan update. An options paper would be brought to the PDG in November with recommendations to the Cabinet to progress available solutions.

Note: *Plan previously circulated and attached to the minutes

(The meeting ended at 7.08 pm)

CHAIRMAN

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **HOMES POLICY DEVELOPMENT GROUP** held on 26 July 2022 at 2.15 pm

Present

Councillors

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

Apologies

Councillor

P J Heal

Also Present

Councillors

Mrs C P Daw, R M Deed, R Evans and B G J Warren

Also Present

Officers

Jill May (Director of Business Improvement and Operations), Matthew Page (Corporate Manager for People, Governance and Waste), Dean Emery (Corporate Manager for Revenues, Benefits and Recovery), Claire Fry (Housing Services Operations Manager), Mike Lowman (Building Services Operations Manager), Tanya Wenham (Operations Manager for Public Health and Housing Options), Arron Beecham (Principal Housing Enabling & Forward Planning Officer), Tristan Peat (Forward Planning Team Leader), Michael Parker (Housing Options Manager), Siann Sandy (Housing Policy Officer), Sarah Lees (Member Services Officer) and Jessica Watts (Member Services Apprentice)

15 APOLOGIES AND SUBSTITUTE MEMBERS

Apologies were received from Cllr P Heal.

It was noted that Cllr G Barnell attended the meeting via Zoom and therefore did not take part in any voting.

16 PUBLIC QUESTION TIME

No questions were received from members of the public.

17 DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT

No interests were declared under this item.

18 MINUTES

The minutes of the meeting held on 31 May 2022 were approved as a correct record of the meeting and signed by the Chairman.

19 CHAIRMAN'S ANNOUNCEMENTS

The Chairman had no announcements to make.

20 PERFORMANCE AND RISK OUTTURN REPORT FOR 2021/2022 (00:05:00)

The Group had before it, and **NOTED**, a report * from the Interim Corporate Performance and Improvement Manager providing Members with an annual review of the Council's performance against the Corporate Plan, service objectives and targets for 2021/2022.

Discussion took place regarding:

- Junction 27 and why it was still being referred to as the 'Eden Project'? Government funding had been provided towards the site. There had never been any question of a Compulsory Purchase Order. A new planning application was being prepared.
- Officers should be congratulated for the exceptionally good rates of Business Rate collection.
- The Performance report was missing targets in relation to social and affordable rented housing. These had links to the Housing Strategy and needed to be reflected.

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

21 TENANCY STANDARD POLICY FRAMEWORK (00:20:00)

The Group had before it a report * from the Corporate Manager for Public Health, Regulation and Housing. It was explained that all the policies falling under the umbrella of the Framework had been brought before the PDG previously and had been approved by the Cabinet. The Telecare Policy was a General Fund Policy and so was not included here.

Consideration was given as to whether there was a separate fund available in relation to the Decant Policy so that tenants did not incur any additional expense. It was confirmed that there was a budget set aside within the HRA.

RECOMMENDED to the Cabinet that:

The updated policies within the overarching Tenancy Standard Policy Framework as set out in Annex 1 be adopted.

(Proposed by Cllr S Clist and seconded by Cllr J Cairney)

Reason for the decision:

MDH is a social landlord and is registered with the Regulator for Social Housing (RSH), meaning that it is a Registered Provider (RP). The RSH sets consumer standards and the Tenancy Standard is one of these. The role of the regulator is to intervene where failure to meet the standards has caused, or could have caused, harm to tenants. Agreed housing policy provides a framework for decision making which ensures that customer-facing teams deliver consistency in the discharge of

duties to support good housing management. This ensures that both properties and tenancies are managed effectively and reduces reputational risk.

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

22 HOUSING STRATEGY 2021-25 PROGRESS UPDATE (00:25:00)

The Group received, and **NOTED**, a report * from the Corporate Manager for Public Health, Regulation and Housing providing an update on the Housing Strategy 2021-25.

The following was highlighted within the report:

- The Strategy had now been approved and it had been agreed that regular updates would be supplied to the PDG.
- There would be an all Member Briefing on the Mid Devon Housing Development Plan in early September. A working group with multidisciplinary leads had been established to bring the plan forwards.
- 90% of the objectives within the Strategy were on track.
- A full update report would be brought to the November meeting of the PDG.

Discussion followed with regard to:

- Disappointment that the St. Andrews estate development, despite being given planning approval, had not progressed. Shapland Place also remained derelict. Conversations had been had with Homes England regarding funding previously and a lot of work had taken place to try to progress this but it appeared that no progress had been made. The following questions were asked in relation to this and answers provided:

a) Question: Why had there been no progress on the two applications?

Answer: All the units were being built in a factory elsewhere and were 50% complete. Delivery was expected by December 2022.

b) Question: Why had there been no additional planning applications in the last 4 month period despite funding being available?

Answer: More information would be provided at the all Member briefing on the Mid Devon Housing Development programme in early September.

c) Question: What progress had been made with Homes England?

Answer: The previous contact with Homes England had left, however, a new submission for funding would take place by the end of the week. The Council would need to wait 3 or 4 weeks for the result.

- Whether the target in relation to 'The supply of new market homes in Mid Devon' should be adjusted since current results were not on track to meet this? It was explained that the target of 393 homes had been derived from the adopted Local Plan and included all new homes across the district, not just the

local authority. Investigations were being undertaken so as to establish the reason for this which might include factors such as shortage of labour, materials, Community Land Trusts and self builds. Benchmarking exercises were being undertaken to help understand the situation further. It was confirmed a considerable number of builds were in the pipeline.

- The need for this report to be cross referenced with the performance report since information in relation to affordable housing and social rented housing didn't quite match up. An explanation from the Cabinet Member for Housing and the Corporate Manager for Public Health, Regulation and Housing needed to be given to the PDG.
- The report was also missing information on the Homes for Ukraine Scheme and the housing of refugees.
- The importance of the Local Housing Needs Assessment (LHNA). Members had received a presentation on this but the report did not provide any detail on what was planned. It was explained that the LHNA was almost complete and would inform the Mid Devon Housing Strategy. It would be a valuable document providing an evidenced set of data and it would provide an opportunity for Members to discuss how it affected future policy.
- The need for more Gypsy and Traveller sites.

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

23 HOMES FOR UKRAINE SCHEME UPDATE (01:11:00)

The Group received, and **NOTED**, a verbal update on the Homes for Ukraine Scheme from the Operations Manager for Public Health and Housing Options. This included the following update:

Numbers and re-matching

- Numbers of hosts/properties matched to Ukrainian guests continues to rise – weekly DCC updates via national portal
- 97 hosts/properties matched to 195 guests as of 25 July – Not all have arrived yet.
- Guests have arrived at 66 properties so we have 155 guests hosted in Mid Devon at present.
- 96 of 97 properties inspected. The team have been working very hard to achieve this on top of the normal day job.
- Re-matching demand is relatively low (host/guest arrangements ending early) and single figures but we are starting to see an increase due to the rural location of some hosts. People want to be closer to employment, services and schools and on a bus route so they don't have to rely on the host to drive them or find the money for a car.
- All unmatched hosts registered locally have been contacted as potential expressions of interest for-re-matching but responses have been low. Those that have responded are being reviewed in terms of the location of the property and the type of accommodation. Those in the most sustainable

locations are being inspected first and we are trying to avoid the need for further rematches.

Commissioned support locally – external and internal

- Welcome visits and support/case management is in full swing via commissioned voluntary support - as previously reported CHAT are working with the Devon Ukraine Assoc. The number of guests needing a visit means we have expanded the contract to include additional resource for initial visits and follow-up visits
- Specialist CAB support is in place for benefits claims especially Universal Credit and housing law
- Reviewing additional, money management (Money Maze) support and training via the charity Navigate
- Pressure on internal teams has meant inspections and scheme administration has been impacting on other statutory service delivery – now utilising HfU scheme funding to recruit temporary business admin and technical housing posts

Finance

- Funding for Q1 of the scheme has been received from DCC under agreed financial arrangement based on numbers and payments out. Further Q2-Q4 returns and payments in due course
 - 60% of £10.5k per refugee (DCC 25%, 15% contingency for all) which includes £200 subsistence payment per head
 - 100% of monthly £350 host 'thank you' payments
 - Q1 payment of £640K banked
 - Committed spend to date inc. some Q2 expenditure and existing staff time is around one-third of funding received so far @ £235k

Team Devon

- The Corporate Manager for Public Health, Regulation and Housing continues to lead and provide support into Team Devon level work (DCC and all Districts):
 - Fortnightly meetings to review delivery/risks and ensure consistent Devon approach – link back into MDDC delivery team
 - Reviewing a Devon-wide exit strategy around pending housing/accommodation pressures once hosting ends – joint solutions (work in progress)
 - Bus travel for HfU negotiated with all major and some local operators across County – packs on 10 day rider return tickets per person, ideally for use for essential visits e.g. DWP/interviews but flexible
 - Negotiated strong offer with Petroc for summer holidays and longer-term programme inc. Tiverton campus. Activities include:

- Summer programme (get to know - family cookery, arts and crafts, physical activity, trips to local attractions)
- 1:1 support from Adult Success Coaches
- ESOL (English language) support ranging from basic English for beginners to more advanced
- Employment and subject specific English language
- Online resources
- Identifying qualifications and professional certification – how to gain equivalency in UK
- Careers fair plus self-employment & entrepreneurship taster sessions
- Supervised age-appropriate play, sports, forest school and outdoor learning sessions
- Prep for school
- Advice and triage for longer-term needs
- Access to other funding streams and support
- Participant travel costs
- The Petroc offer and the various informal network events will help support transition to sustainable residency (employment, language, skills, accommodation, schools etc) and help during summer holiday period – likely to be testing for some host/guest relationships
- Continue to engage with DLUHC, LGA and DCN on scheme roll-out, pressures and risks and updated national guidance etc

Consideration was given to:

- Any support and help that elected Members could provide especially through Petroc.
- What next? Currently there was no end in sight to the war, therefore there was a need to begin to plan for the housing needs of a significant number of refugees on a potentially long term basis. Team Devon needed to treat this as a priority.
- How hard the Mid Devon team had worked and continue to work to support this scheme whilst still doing the ‘day job’.
- The importance of employment for the refugees.

It was **AGREED** an all Member briefing was needed on this subject as soon as possible.

Note: Cllr G Barnell declared a personal interest in that he was himself a matched ‘host’. He also provided some training to Ukrainian refugees.

24 **HOUSING INITIATIVES PROJECT - PURCHASE OF HOUSES IN MULTIPLE OCCUPATION (HMO'S) FOR TEMPORARY ACCOMMODATION (01:43:00)**

The Group had before it a report * from the Corporate Manager for Public Health, Regulation and Housing seeking agreement to purchase either one or two houses in multiple occupation, currently in the private rented sector, for use as temporary accommodation and for rough sleepers.

It was agreed that discussion with regard to the report should take place in private session and it was therefore:

RESOLVED that under Section 100A(4) of the Local Government Act 1972 the public be excluded on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 respectively of Part 1 of Schedule 12A of the Act, namely information relating to the financial or business affairs of any particular person (including the authority holding that information) and Part 5 - Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

(Proposed by the Chairman)

Returning to open session it was:

RECOMMENDED to the Cabinet that:

- a) Option 2 – to purchase one property – Scheme 1 - be approved as the preferred option in terms of size, location and ongoing maintenance.
- b) That full funding is utilised from Earmarked reserves (EMRs) as set out in Section 3.3 of the report.

(Proposed by the Chairman)

Reason for the decision:

The project and its outcomes are supported by the current Housing Strategy 2021-25. In particular the aim of the project is to reduce the current spend on B&B as temporary accommodation and to provide accommodation with support for rough sleepers and those at risk of rough sleeping. The project will be supported utilising external grant funding and earmarked reserves.

Notes:

- (i) * Report previously circulated; copy attached to the minutes.
- (ii) Cllr S Clist declared a pecuniary interest as he owned a rented property and had business dealings with the agent who had valued the properties in question. He therefore left the meeting for the duration of the discussion and did not take part in the vote.
- (iii) Councillors R J Dolley, S Pugh and R F Radford declared personal interests in that they also owned property that was rented out, either currently or in the past.

25 **COUNCIL TAX SECOND HOMES AND LONG TERM EMPTY BRIEFING PAPER (02:45:00)**

The Group had before it, and **NOTED**, a briefing paper * from the Corporate Manager for Revenues, Benefits and Recovery providing information in relation to Council Tax and Second Homes and Long Term Empty Homes.

An updated paper had been provided and this would be attached to the minutes.

Consideration was given to:

- Whether Air B&B's would be included as part of this.
- The number of holiday lets and the threshold for Business Rate relief meaning a potential loss of income to the Council.
- The difficulties involving in 'policing' this area.
- The current efforts being made to collate and track the data.

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

26 IDENTIFICATION OF ITEMS FOR THE NEXT MEETING (02:58:00)

In addition to the items already listed in the work programme for the next meeting the Group requested that it receive an update in relation to:

- The Home Share Scheme

(The meeting ended at 5.15 pm)

CHAIRMAN

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **COMMUNITY POLICY DEVELOPMENT GROUP**
held on 2 August 2022 at 2.15 pm

Present

Councillors

Mrs M E Squires (Chairman)
Mrs C Collis, W Burke, R J Dolley,
B Holdman, S Pugh and Mrs E J Slade

Apologies

Councillor(s)

R Evans

Also Present

Councillor(s)

R M Deed, J Buczkowski, S J Clist, Mrs C P Daw and
D J Knowles

Also Present

Officer(s):

Jill May (Director of Business Improvement and Operations), Simon Newcombe (Corporate Manager for Public Health, Regulation and Housing), Matthew Page (Corporate Manager for People, Governance and Waste), Nicola Cuskeran (Interim Corporate Performance Manager & Safeguarding Officer), Julia Ryder (Community Safety & Emergency Planning Officer), Clare Robathan (Policy and Research Officer), Carole Oliphant (Member Services Officer) and Jessica Watts (Member Services Apprentice)

14 **APOLOGIES AND SUBSTITUTE MEMBERS (02.49)**

Apologies were received from Cllr R Evans

15 **DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (02.57)**

Members were reminded of the need to make declarations where appropriate

16 **MINUTES OF THE PREVIOUS MEETING (03.06)**

The Minutes of the Meeting held on 7th June 2022 were approved as a correct record and **SIGNED** by the Chairman.

17 **PUBLIC QUESTION TIME (04.42)**

The following questions were received from Nick Quinn a local resident:

Concerning Agenda Item: 6 (Performance and Outturn Report)

In paragraph 5.4 of the overarching Performance and Outturn report, it is stated that 404 complaints were received in 2021/22 and that 91% of these were resolved within 10 to 12 weeks.

This level of response is considered to be above target.

Appendix 4, gives the detail for the Community PDG Performance Indicators over this period.

My questions are:

Q1: Are Members concerned to see that the total of 404 Complaints in this year has increased from 273 in the previous year?

Q2: Are Members concerned that one in ten Complainants are having to wait more than three months for an outcome?

Q3: Are Members concerned that the Complaints performance figures for the first quarter of 2022/23 (which have been published and are being presented to Audit later today) show that the Complaint resolution rate has now dropped well below 90%?

Q4: Do Members think it appropriate to use The Number of Complaints Received as the only Performance Indicator for Community Involvement?

The Corporate Manager for People, Governance and Waste provided the following responses:

Q1. Expected rise post-pandemic and nearer pre-pandemic numbers, however they have increased.

Resource is being put to additional monitoring and analysis of complaints as part of the Continuous Improvement portfolio and commences at the beginning of August.

Q2. All complaints are monitored against our policy of maximum 12 weeks. However, occasionally there are some complaints which are complex and require a legal response/outcome. In these instances, the complainant is kept informed of progress.

Q3. Many services are now under pressure due to continuing vacancies. The additional resource as per Q1 will help clarify where services may be slower to respond and reported to the portfolio holder for Continuous Improvement.

Training with staff will be revisited due to staff turnover.

Q4. Performance indicators will be reviewed ready for the next financial year as monitoring improves in discussion with the Portfolio Holder for Continuous Improvement.

The Leader confirmed that the Council was concerned but that it was addressing the issues and that the PDG could request additional performance indicators if it so wished.

18 CHAIRMANS ANNOUNCEMENTS (14.44)

The Chairman had no announcements to make

19 **PERFORMANCE AND RISK OUTTURN REPORT (14.48)**

The Group had before it, and **NOTED**, the *Performance and Risk Outturn report for 2021/2022 from the Corporate Manager for People, Governance and Waste.

The Interim Corporate Performance and Improvement Manager outlined the contents of the report and explained that it provided Members with an annual review of the Council's performance against the corporate plan, service objectives and targets for 2021/2022.

In response to a question asked about the 3 Rivers Developments Board report and action plan recommendations the Leader confirmed that an updated report would be presented to the Audit Committee and he encouraged Members to attend to receive the results.

Note: *report previously circulated and attached to the minutes

20 **MID DEVON AS A TRAUMA INFORMED COUNCIL (20.45)**

The Group had before it a *report from the Corporate Manager for Public Health, Regulation and Housing providing detail on how Mid Devon District Council (MDDC) could become a Trauma Informed Council.

The officer explained that the report provided more detail on the process for the Council to become trauma informed.

Consideration was given to:

- Trained staff members would not replace healthcare professionals but would have a better understanding of when and where to refer instances to the correct services

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

1. It recommended to Full Council the degree of investment the Council would require towards becoming a Trauma Informed Council
2. Subject to recommendation 1 that it recommended to Full Council a stepped approach was adopted, as set out in annex 1

(Proposed by the Chairman)

Reason for the decision: To ensure that MDDC services suitably and satisfactorily accommodate the needs of service users

Note: *report previously circulated and attached to the minutes

21 **RECOMMENDATIONS FROM THE ANTI SOCIAL BEHAVIOUR WORKING GROUP (31.45)**

The Group had before it a *report from the Policy and Research Officer presenting the recommendations of the Anti-Social Behaviour (ASB) Working Group.

Cllr S Pugh, the Chairman of the Working Group outlined the project outline and that the recommendations had been formed with input from the appropriate service areas and external contributors.

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

1. That Members of the ASB working group are consulted on the review of the Housing ASB policy (due to take place this year, and to be incorporated into Neighbourhood and Community Standard Policy) through an informal, in-depth discussion with the Corporate Manager for Public Health, Regulation and Housing and other officers.
2. That information around ASB and how to report it is clearly communicated to Members and the public.
3. That the Mid Devon Senior Inspector is requested to provide Members with a monthly update on policing in the District and consideration is given to other ways to engage with members.
4. That the Community Safety Partnership (CSP) review the Community Trigger process.

(Proposed by the Chairman)

Reason for the decision: A key priority for the Council is promoting sustainable and prosperous communities. The impact of ASB can cause distress and suffering for victims, and it is key concern for Mid Devon residents.

Note: *report previously circulated and attached to the minutes

22 **WORKPLAN (41.54)**

The Group had before it, and **NOTED**, the Community PDG Work Plan for 2022-2023.

The Policy and Research Officer explained that a Terms of Reference for a review into effective integration of new residential communities would be brought to the next meeting of the PDG

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

(The meeting ended at 2.58 pm)

CHAIRMAN

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **PLANNING COMMITTEE** held on 13 July 2022 at 2.15 pm

Present

Councillors

P J Heal (Chairman)
Mrs C Collis, L J Cruwys, Mrs C P Daw,
J M Downes, B Holdman, B A Moore and
B G J Warren

Apologies

Councillor(s)

E J Berry, S J Clist, Mrs F J Colthorpe and
F W Letch

Also Present

Councillor(s)

D J Knowles and R L Stanley

Present

Officers:

Angharad Williams (Development Management Manager), Maria De Leburne (Operations Manager for Legal and Monitoring), Adrian Devereaux (Area Team Leader), Christie McCombe (Area Planning Officer), John Millar (Area Team Leader), Carole Oliphant (Member Services Officer) and Jessica Watts (Member Services Apprentice)

21 **APOLOGIES AND SUBSTITUTE MEMBERS (0.02.58)**

Apologies were received from Cllrs Mrs F J Colthorpe and Cllr F W Letch. Apologies were also received from Cllrs S J Clist and E J Berry who were substituted by Cllrs J M Downes and B A Moore.

Cllr D J Knowles attended via ZOOM.

22 **PUBLIC QUESTION TIME (0.03.39)**

Paul Elstone, referring to item 1 on the plans list provided the following questions which were read out by the chairman:

QUESTION 1

Are the Committee Members aware that Redrow's in their application are proposing only to provide 2-meter-wide pavements either side of the spur road? No separate provisions for cyclist or on street parking. This despite the Tiverton EUE Design Guide requiring very different.

QUESTION 2

Why are Redrow Homes plus MDDC Officers not giving full consideration to the safety of the pedestrians and in particularly primary school children who will access the 420-place primary school?

While the school may not be built for several years all associated roads, pavements and cycleways should be future proofed.

QUESTION 3

The Planning Meeting Briefing Paper Paragraph 4.5 states that MDDC Officers consider that the Redrow Application is in compliance with the Adopted Tiverton EUE Masterplan and Tiverton EUE Design Guide.

The MDDC Adopted TEUE Design Guide actually says and shows something completely different to what Redrow's are proposing. The Design Guide expects segregated cycle and pedestrian pavements on either side of the road plus on street parking provision and again on either side of the road?

QUESTION 4

Have all Planning Committee Members seen the Redrow Phase 2 Urban Design and Architectural Principles drawing for Phase 2 of the Spine Road?

This drawing shows on road parking and 2- and 3-meters pavements segregated from the road including one for shared pedestrian and cycle use and tree planting. As a minimum why are Redrow's not in compliance?

QUESTION 5

Are Committee Members aware that the UDAP drawing formed the basis of the Design Review Panel consultation and even then, the Design Review Panel have been repeatedly critical of the Redrow proposals?

QUESTION 6

Are ALL Committee Members aware that Redrow Homes stated at the recent UDAP Workshop that they did not need to submit this application to get the 2nd Phase of the Spine Road built? This as it was required to access a storage yard, office compound and workforce car parking for Phase 1 which had already received approval as part of the Redrow Construction and Management Plan. Something reinforced in a Redrow email only 2 days ago.

QUESTION 7

Are Committee Members minded to ONLY approve the 6.5-meter-wide roadway and for Redrow's to use as a haul way to their Phase 1 storage area, offices and car park? This to allow Redrow's to build the approved Phase 1 development.

QUESTION 8.

Are Committee Members minded to require that Redrow's submit their plans for the on-street parking, segregated pavements and cycle ways as part of the Planning Application for the Phase 2 housing development? An application that is imminent. That to do otherwise would seriously compromise the Phase 2 Development Design and the overall Tiverton EUE Development.

Terence Payne, referring to item 3 on the plans list stated:

I am sure that Members will be aware that this is a very contentious issue in Halberton with a record number of objections from the people who have indicated their objections or support on the portal. That totals more than 96% and we've never had that many people before objecting to anything. You would get a higher percentage if you counted the people rather than the letters. The main objections were as you would have seen in the documentation about the over development of the site and particularly the need therefore for houses and dwellings too near the banks of the pond. The Halberton Action Group that I represent feels strongly that developing the site is a good thing, we are not against the development but we are particularly against this proposal because of endangering the wildlife, the ecology and water pollution. There are other issues as well. My question is, before the application is considered by the Planning Committee wouldn't it be a good idea for Members to hold a site visit, including viewing the pond from the High Street side or the garden of the Priory, so that they can see what impact the proposal and particularly the siting of dwellings 7, 8 & 9 too close to Halberton Pond would have on the ecology of this most environmentally sensitive part of Halberton's Conservation area which includes the hub of the wildlife habitat there.

Heather Corden also referring to item 3 on the plans list stated:

I am one of the Church Wardens at St Andrews Church and the development will go to the side of the church yard. At the moment the buildings in Halberton Court are becoming derelict and run down and the view from the church yard into the village has this dereliction in front of it. Way before this came to consultation level the plans for this and the proposal came through Diocese and the PCC and we approved it from the outset as it was going to improve the outlook from the village and improve the vicinity of the church yard. Nothing in the church yard was going to be touched, it was just going to improve things for us. At the time we were hoping to get a car park the other side of the farm wall but that has subsequently gone. We would just like to say that the Diocese and Halberton PCC are totally behind this plan.

23 DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT (0.012.08)

Cllrs B Holdman, P J Heal, Mrs C P Daw, Mrs C Collis, L J Cruwys and B G J Warren made all made declarations in accordance with the Protocol of Good Practice for Councillors dealing with planning matters for application 22/00675/MARM as they had received correspondence from objectors.

Cllr B Holdman declared a personal interest for application 22/00675/MARM as he knew individuals who lived adjacent to the site.

Cllr Mrs C P Daw declared a personal interest for application 20/00273/MFUL as she was a member of the Grand Western Canal Joint Advisory Committee.

Cllr B A Moore made a declaration in accordance with the Protocol of Good Practice for Councillors dealing with planning matters for application 21/01420/FULL as he had attended a Parish Council meeting where the application was discussed.

Cllr L J Cruwys made a declaration in accordance with the Protocol of Good Practice for Councillors dealing with planning matters for application 20/00273/MFUL as he had received correspondence from objectors.

24 **MINUTES OF THE PREVIOUS MEETING (0.13.24)**

The minutes of the meeting held on 29th June 2022 were agreed as a true record and duly signed by the Chairman subject to an amendment to a bullet point in minute 7 to read:

‘Concern that the Construction Management Plan provided showed the compound, storage and site parking to be prominent on the Green Infrastructure land and accessed via an unapproved access which used land outside of the application site boundary.’

25 **CHAIRMAN'S ANNOUNCEMENTS (0.16.40)**

The Chairman reminded the Committee of the special Planning Committee on 27th July 2022.

26 **WITHDRAWALS FROM THE AGENDA (0.17.03)**

There were no items withdrawn from the agenda.

27 **THE PLANS LIST (0.17.13)**

The Committee considered the applications in the *Plans list.

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

- a) Application 22/00675/MARM - Reserved matters in respect of (access, appearance, landscaping, layout, scale and drainage) for spine road connecting Phase 1 to Phase 2, following Outline approval 14/00881/MOUT at Land at NGR 298065 112985 (South of Blundells Road), West Manley Lane, Tiverton.***

The Area Planning Officer outlined the application by way of a presentation which highlighted the site location plan, Tiverton EUE illustrative framework plan, aerial view with the location of spine road extension, general arrangement plan, photographs of spine road and the proposed location for breach of the hedge.

In response to public questions the officer stated that the questions would be addressed as part of her presentation.

The officer explained that the application before Members did not pre determine any future applications and that the applicant had acknowledged that the road could be sacrificed if future applications required amendments. The footpath and cycle ways would be reviewed in the next phase of development. She explained that the extension to the spine road was to allow access to construction and welfare compounds, a contractor car park and material store, the location of which had been approved through the discharge of Condition 14 of application 14/00881/MOUT.

Consideration was given to:

- Confirmation the spine road extension could be sacrificed if the next stage of development required it to be relocated
- That the Tiverton Neighbourhood Plan, once adopted, would be considered by the developers in future applications
- The views of the applicant who stated that the road extension required full planning permission so that a licence could be obtained to break through the hedge. The phase 2 residential application included all cycle links but the road extension was required to allow access to the site compound and offices.

It was therefore **RESOLVED** that planning permission be granted subject to conditions as recommended by the Development Management Manager.

(Proposed by Cllr B A Moore and seconded by Cllr J M Downes)

Reason for the decision: As set out in the report

Notes:

- i. Cllrs B Holdman and B G J Warren requested that their abstention from voting be recorded
- ii. Mr Cattermole spoke as the applicant

b) Application 21/01420/FULL - Erection of an agricultural building, polytunnels and raised beds, septic tank and provision of new vehicular access at Land at NGR 289870 116865, Stoodleigh Cross, Stoodleigh.

The Area Team Leader outlined the application by way of a presentation which highlighted the site location plan, aerial image, block plan, plans and elevations, access plan and photographs of the site.

The officer explained that there had been some unauthorised development of the site which included the creation of a new access point. This unauthorised access point, alongside the original lawful access to the sites have been conditioned to be removed following provision of the single access point proposed as part of this application, should planning permission be granted.

Consideration was given to:

- The Highways Authority had provided comments on 28/4/22
- The proposed agricultural building would be used for storing and washing crops and that Condition 9 stated it could only be used for agricultural use
- The applicant had provided further details of surface water run off and a septic tank
- Condition 6 provided for the existing accesses, including the unauthorised access to be closed and the applicant had indicated that the roadside bank would be replaced
- The scale of the application did not warrant a police consultation

- The views of the objector who stated that local residents were very unhappy with the site and that the applicant kept changing the application to get it approved
- The views of the Parish Council that 41 objections had been received and local residents were confused as to what was being applied for. Local residents had objected to the unauthorised removal of an ancient Devon bank and that there was no power or water on site
- The views of the Ward Member who stated there had been ad hoc changes to the application and he felt that the washroom building was too large for the operation proposed there. The site was a terrible mess and he urged Members to visit the site before making a decision
- Concerns of Members that the applicants had a history of non-compliance
- Concerns of Members that the development was not in compliance with Policy DM20 and would have an unacceptable adverse impact on the environment
- Members concerns that the operation was not viable and would cause harm to the environment

It was therefore **RESOLVED** that the decision be deferred for a full committee site visit to determine compliance to Policies S14 & DM20 specifically:

- If the application preserved and enhanced the character, appearance and biodiversity whilst promoting sustainable diversification of the rural economy
- If the application was sensitively located to limit any adverse effects on the living conditions of local residents, was well designed and respected the character and appearance of the area

(Proposed by L J Cruwys and seconded by Cllr B G J Warren)

Notes:

- i. Cllr B A Moore did not speak as Ward Member as he was sitting on the Committee and assured the Committee he would act impartially
- ii. John Widdowson spoke as the objector
- iii. Cllr William Knowles spoke on behalf of Stoodleigh Parish Council
- iv. Cllr R Stanley spoke as the Ward Member

c) Application 20/00273/MFUL - Erection of 9 dwellings, conversion of barns to 5 dwellings, with associated works including access improvements and landscaping (Revised Scheme) at Halberton Court Farm, High Street, Halberton

The Area Team Leader outlined the application by way of a presentation which highlighted the site location plan, aerial view, block plan, S38 layout, conceptual renders, sections, plot designs and photographs of the site.

The officer explained that the site was in a conservation area with a number of listed building adjacent but that the Conservation Officer had stated that there was a slight change to the visually important space but that the change was minimal.

Consideration was given to:

- The concerns of the Parish Council had been addressed
- The housing standards stated by the Public Health team would be addressed by Building Control and did not form part of the application
- Concerns by some Members that only 30 car parking spaces were not enough for the larger houses although they were in excess of the minimum standards required
- The views of the objector who stated that over 150 people were objecting. That there should be no development near the pond and there were concerns about water run off into the pond. That the development did not do enough to mitigate climate change
- The views of the agent who stated that the closet property was over 7 meters from the pond. That there had been lengthy pre application discussions and the application was sympathetic to the restoration of the agricultural barns. The application was Policy compliant and provided affordable housing
- A statement from the Parish Council who supported the application, contained reference to conditions which protected the path and the pond. That the public layby should be retained and any relocation of the bus shelter should be in consultation with the Parish Council
- The views of the Ward Member who was in support of the development and did not want to see a delay in the decision

It was therefore **RESOLVED** that planning permission be granted subject to conditions and the signing of a S106 agreement as recommended by the Development Management Manager.

(Proposed by B A Moore and seconded by J M Downes

Reason for the decision: As set out in the report

Notes:

- i. A proposal to defer the decision for a site visit was not supported
- ii. Cllr L J Cruwys requested that his abstention from voting be recorded
- iii. Terence Payne spoke as the objector
- iv. The Parish Council provided a statement which was read out by the Chairman
- v. Cllr R Radford provided a statement as Ward member which was read out by the Chairman
- vi. Cllr Mrs C Collis left the meeting at 17.15pm and did not participate in the vote

28 **MAJOR APPLICATIONS WITH NO DECISION (3.19.22)**

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

The Committee agreed that:

22/01255/MFUL Erection of 70 affordable dwellings including associated roads, footpaths, landscaping and amenity area 26/09/2022 Land at NGR 298768 -113600 Uplowman Road, Tiverton Devon due be determined by Committee – No site visit required

22/01182/MARM Reserved Matters for appearance, scale, layout and landscaping for the erection of 41 dwellings and formation of vehicular access following Outline permission 16/01707/MOUT 21/09/2022 Land at NGR 295494 113719 (South Of Lea Road) Tiverton Devon be brought to Committee – No site visit required

Note: *list previously circulated and attached to the minutes

29 **APPEAL DECISIONS (3.21.39)**

The Committee had before it, and **NOTED**, a *list of appeal decisions.

Note: *list previously circulated and attached to the minutes

(The meeting ended at 5.48 pm)

CHAIRMAN

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **PLANNING COMMITTEE** held on 27 July 2022 at 2.15 pm

Present

Councillors

P J Heal (Chairman)
E J Berry, Mrs C Collis, L J Cruwys,
Mrs C P Daw, J M Downes, B Holdman,
D J Knowles, F W Letch and B G J Warren

Apologies

Councillor(s)

S J Clist and Mrs F J Colthorpe

Also Present

Officer(s):

Richard Marsh (Director of Place), Angharad Williams (Development Management Manager), Dean Emery (Corporate Manager for Revenues, Benefits and Recovery), Maria De Leburne (Operations Manager for Legal and Monitoring), Adrian Devereaux (Area Team Leader), John Millar (Area Team Leader), James Clements (Principal Planning Officer), Carole Oliphant (Member Services Officer) and Jessica Watts (Member Services Apprentice)

30 APOLOGIES AND SUBSTITUTE MEMBERS (0.03.15)

Apologies were received from Cllrs Mrs F J Colthorpe and S J Clist who was substituted by Cllr J Downes

31 PUBLIC QUESTION TIME (0.03.37)

There were no questions from Members of the public present

32 DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT (0.03.52)

Cllrs P J Heal, Mrs C P Daw, Mrs C Collis, L J Cruwys, J M Downes, B Holdman, F W Letch and B G J Warren all made declarations in accordance with the Protocol of Good Practice for Councillors dealing with planning matters for application 21/0222/MFUL as they had received correspondence from the applicant.

Cllrs P J Heal, Mrs C P Daw, J M Downes, B Holdman, F W Letch and B G J Warren all made declarations in accordance with the Protocol of Good Practice for Councillors dealing with planning matters for application 22/00687/HOUSE as they had received correspondence from objectors.

Cllrs L J Cruwys, Mrs C P Daw, B Holdman all made declarations in accordance with the Protocol of Good Practice for Councillors dealing with planning matters for application 22/00672/FULL as they had received correspondence from objectors.

Cllr J M Downes declared a personal interest for application 21/0222/MFUL as he lived near the application site.

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

The minutes of the meeting held on 13th July 2022 were agreed as a true record and duly **SIGNED** by the Chairman.

34 **CHAIRMAN'S ANNOUNCEMENTS (0.04.43)**

The Chairman reminded the Committee of a site visit arranged for 3rd August

35 **WITHDRAWALS FROM THE AGENDA (0.07.13)**

There were no withdrawals of items from the agenda

36 **THE PLANS LIST (0.07.18)**

The Committee considered the applications in the *Plans List

Note: *List previously circulated and attached to the minutes

- a) Application 21/00222/MFUL - Erection of a retail food store with associated parking, access, servicing and landscaping at Playing Field at NGR 284091 100385, Commercial Road, Lords Meadow Industrial Estate***

The Area Team Leader outlined the application by way of a presentation highlighting the site location plan, site plan, floor plans, elevations, landscape plan and photographs of the site.

The officer explained that Sport England had objected to the application and had referred it to the Secretary of State via the Planning Casework Unit, in accordance with the Town and Country Planning (Consultation)(England) Direction 2009. The Secretary of State had decided not to call in the application and was content that it should be determined by the local planning authority.

As policy CRE6 did not include provision for a food store it was advertised as a departure to the local plan, even though it was located within the settlement limits of the Town. There would be a financial contribution to result in an improvement to the playing pitch lost through the development. This would enable Crediton Rugby Club to purchase an alternative site and one had been identified at the Creedy Bridge development.

Consideration was given to:

- Crediton Rugby Club were content that the remaining pitches would be adequate until the new site was developed at Creedy Bridge
- Members concerns about the removal of the hedgerow
- Lidl's would maintain the site including the soft landscaping whilst they were in occupation

- Parking and electric vehicle charging points standards had been met with the development
- The applicant confirmed that the public toilet would have disabled access, that 40 new permanent jobs would be created, 25% of the stores power would be generated by solar panels and that the Rugby Club supported the application
- The views of the Town Council who stated that high quality planting was required and that it was a lost opportunity to plant additional trees. That they objected strongly against the hedgerow being removed and that the £87k provided in the S106 agreement towards improving air quality would not mitigate the extra traffic that the development would bring into the town
- The views of the Ward Member who stated that there was a view that the hedge was being removed so that the store could be seen and that more could be done to improve the area with green infrastructure. That the building design was not complementary to the street scene in Crediton. That the hedgerow should be retained, more trees planted and the colour of the building be amended to fit in with the local vernacular.

It was therefore **RESOLVED** that planning permission be granted subject to conditions and signing of an S106 Agreement as recommended by the Development Management Manager subject to amendments to the following conditions;

Condition 14. All planting, seeding, turfing or earth reprofiling comprised in the approved details of landscaping shall be carried out within 9 months of the substantial completion of the development, (or phase thereof), and any trees or plants which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species. Once provided, the landscaping scheme shall be so retained and maintained.

Reason – To ensure the development makes a positive contribution to the character and amenity of the area in accordance with DM1 of the Mid Devon Local Plan 2013 – 2033

Condition 16. The net sales area of the food store hereby approved shall be limited to 1256sqm, with no more than 80% (1005sqm) to be given over to the sale of convenience goods and no more than 20% (251sq m) to the sale of comparison goods. At no time shall more than 3500 individual lines of goods be sold from the premises.

Reason:

In order to minimise the impact of the proposed development on the vitality and viability of Crediton Town Centre, in accordance with policy DM15.

Condition 17. Notwithstanding the details as submitted, the retail unit (Class E(a)) hereby approved shall trade as a single retail unit and shall not be subdivided into separate smaller retail units.

Reason:

In order to minimise the impact of the proposed development on the vitality and viability of Crediton Town Centre, in accordance with policy DM15.

Condition 18. No goods shall be displayed for sale in the car parking or landscaped (hard and soft) areas or forecourt area as shown on the approved plan without the prior permission of the Local Planning Authority.

Reason – To manage the retail sales element of the development and protect the visual amenities of the site in accordance with Policy DM1 of the Mid Devon Local Plan 2013 – 2033

In addition delegated authority was given to the Development Management Manager in consultation with the Chairman and Vice Chairman to:

- Amend Condition 21 to ensure that the soft landscaping included reference to bee and butterfly friendly planting to encourage biodiversity
- To include Condition 22 being a materials condition to agree the final build materials in order that the vernacular setting of Crediton was maintained in the building

(Proposed by F W Letch and seconded by Cllr Mrs C P Daw)

Reason for the decision: As set out in the report

- i. Councillor Liz Brookes Hocking spoke on behalf of Crediton Town Council
- ii. The agents Suzannah Clemo & Chris Tookey spoke
- iii. The following late information was received and a verbal update was provided:

Late representations have been received which raise the matter of the percentage of convenience goods which could be sold from the food store based on the retail impact assessment. Therefore it is proposed that Condition 16 be amended to state:

16. The net sales area of the food store hereby approved shall be limited to 1256sqm, with no more than 80% (1005sqm) to be given over to the sale of convenience goods and no more than 20% (251sq m) to the sale of comparison goods. At no time shall more than 3500 individual lines of goods be sold from the premises.

Reason:

In order to minimise the impact of the proposed development on the vitality and viability of Crediton Town Centre, in accordance with policy DM15.

It is also considered that Condition 17 needs to be slightly amended to refer to Use Class E(a) as Class E includes a wider range of uses than does E(a). Therefore it is proposed to amend Condition 17 to refer to Class E(a) as follows:

17. Notwithstanding the details as submitted, the retail unit (Class E(a)) hereby approved shall trade as a single retail unit and shall not be subdivided into separate smaller retail units.

Reason:

In order to minimise the impact of the proposed development on the vitality and viability of Crediton Town Centre, in accordance with policy DM15.

b) Application 22/00687/HOUSE - Retention of building for use as additional living accommodation at Old Parsonage Cottage, High Street, Hemyock.

The Area Team Leader outlined the application by way of a presentation highlighting the site location plan, block plan, floor plan, elevations and photographs of the building.

The officer explained that there had been concerns raised about the size, character, amenity and use of the building.

He further explained that the application was for the retention of the building and that it was just above the size limit for permitted development. That officers did not feel that the impact of the building was in excess of normal domestic occupation in a residential area.

Consideration was given to:

- National space standards did not apply to the building as it was not an independent dwelling but an ancillary building to the main dwelling
- As it was an ancillary building it could be permanently occupied
- That there was a proposed condition that as ancillary accommodation that no part could not be let or otherwise disposed of as a separate unit
- It was not felt that the building over shadowed the neighbouring property
- That the building could not be extended in the future without planning permission
- The views of the objector who stated that the main issues were the size of the building and the noise coming from it. He felt that the building was an over development of the site and if the property was sold in the future more noise may be heard from new occupants with children and teenagers
- The views of the Parish Council who stated that the building was not modest in size, it was located some distance from the main dwelling, it was over development and the application was retrospective. That the development had an adverse impact of the neighbours
- The views of the Ward Member who felt that the building did not represent the character, setting or design of the existing dwelling, it was over development of the property curtilage, there was a significant adverse impact of the living conditions of neighbouring properties and the design and location was not acceptable

RESOLVED that Members were minded to refuse the application, contrary to officer recommendations, and therefore the decision be deferred for the receipt of an implications report to consider reasons for refusal with regard to:

- Contrary with Policy S1 –The application did not support sustainable development
- Contrary with Policy S13 - The application did not support sustainable development
- Contrary with Policy DM1 – The application did not support the principal of sustainable development
- Contrary with Policy DM5 – The application would cause future parking issues

- Contrary to Policy DM11 – The application causes the living conditions of the neighbours to be significantly harmed

(Proposed by B Holdman and seconded by Cllr J M Downes)

Notes:

- i. Kevin Andrews spoke as the objector
- ii. Cllr P Doble spoke on behalf of Hemyock Parish Council
- iii. Cllr S J Clist provided a statement as Ward Member which was read out by the Chairman
- iv. Cllrs P J Heal, Mrs C P Daw and E J Berry requested that their vote against the decision be recorded
- v. Cllr B G J Warren indicated he would defend an appeal if required

c) Application 22/00672/FULL - Formation of residential parking area and landscaping works at Development Site at NGR 295336 112490, St George's Court, Tiverton.

The Area Team Leader outlined the application by way of a presentation which highlighted the site location plan, aerial image, site location plan, block plan, car park layout and photographs of the site.

The officer explained the land had been purchased separately and was not part of the original application. He explained that existing planting would be retained and additional landscaping had been proposed.

Consideration was given to:

- Members concerns that the application was retrospective and works had already commenced
- Members concerns that amenity areas were being lost to a car park
- The views of the Town Council who objected strongly to the retrospective application and that there was no justification for a further 10 car parking spaces, that the impact on the Memorial Hall had not been shown
- The views of the Ward Members who stated they objected to the application as it did not fit in with the area and there was no need for additional car parking as the site was in the Town Centre. That the neighbours of the site were being ignored that the developer was taking over the last bit of open space and car parking would cause fumes to enter adjacent basement properties

RESOLVED that Members were minded to refuse the application, contrary to officer recommendations, and therefore the decision be deferred for the receipt of an implications report to consider reasons for refusal with regard to:

- The application was detrimental to the visual enjoyment of views to the river
- It was over development on an already crowded site
- There were concerns regarding car fumes getting into neighbouring basement properties

(Proposed by L J Cruwys and seconded by Cllr Mrs C P Daw)

Note:

- i. Cllr P Elstone spoke on behalf of Tiverton Town Council
- ii. Cllrs Mrs C P Daw and L J Cruwys spoke as Ward Members
- iii. Cllrs P J Heal and E J Berry requested that their vote against the decision be recorded
- iv. Cllrs L J Cruwys, Mrs C P Daw and B Holdman indicated they would defend an appeal if required

d) Application 22/00062/FULL - Variation of condition 2 of planning permission 20/00146/FULL for the substitution of house type plans at Land at NGR 295241 122012, South of Elizabeth Penton Way, Bampton

The Principal Planning Officer outlined the application by way of a presentation which highlighted an aerial image, the approved site layout, the proposed site layout, elevations, floor plans and photographs of the site.

Consideration was given to:

- Members views that the S106 deed of variation should be allocated for facilities for teenagers and young people

It was therefore **RESOLVED** that planning permission be granted subject to conditions and the signing of a S106 deed of variation as recommended by the Development Management Manager.

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

Reason for the decision: As set out in the report

(The meeting ended at 5.45 pm)

CHAIRMAN

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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **PLANNING COMMITTEE** held on 10 August 2022
at 2.15 pm

Present Councillors

E J Berry, S J Clist, L J Cruwys,
Mrs C P Daw, J M Downes, D J Knowles,
F W Letch, B A Moore, R F Radford and
B G J Warren

Apologies Councillor(s)

P J Heal, Mrs C Collis and B Holdman

Also Present Councillor(s)

G Barnell and D R Coren

Present Officers:

Maria De Leburne (Operations Manager for
Legal and Monitoring), Angharad Williams
(Development Management Manager),
Adrian Devereaux (Area Team Leader),
Jake Choules (Planning Officer), Andrew
Seaman (Member Services Manager),
Carole Oliphant (Member Services Officer)
and Jessica Rowe (Member Services
Apprentice)

37 APOLOGIES AND SUBSTITUTE MEMBERS (0.02.50)

Apologies were received from:

- Cllr P J Heal who was substituted by Cllr B A Moore. The Vice Chairman chaired the meeting
- Cllr B Holdman who was substituted by Cllr J M Downes
- Cllr Mrs C Collis
- Cllr Mrs F J Colthorpe who was replaced on the Committee by Cllr R F Radford

38 PUBLIC QUESTION TIME (0.03.40)

There were no questions from Members of the public present

39 DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT (0.04.15)

Cllrs D J Knowles, S J Clist and F W Letch all made declarations in accordance with protocol of Good Practice for Councillors dealing with planning matters for

applications 21/01998/FULL and 21/02001/LBC as they had received correspondence

Cllrs S J Clist and F W Letch made declarations in accordance with protocol of Good Practice for Councillors dealing with planning matters for application 21/01501/FULL as they had received correspondence

Cllr E J Berry made a personal declaration for applications 21/01998/FULL and 21/02001/LBC as he knew the applicant and Town Trust members

Cllr Mrs C P Daw made a declaration in accordance with protocol of Good Practice for Councillors dealing with planning matters for Bell Cottage, Woodland Head, Yeoford EX17 5HF as she had knowledge of the enforcement case in her capacity as Cabinet Member for Continuous Improvement

Cllr S J Clist made a declaration in accordance with protocol of Good Practice for Councillors dealing with planning matters for Bell Cottage, Woodland Head, Yeoford EX17 5HF as he had received correspondence

40 **MINUTES OF THE PREVIOUS MEETING (0.05.34)**

The minutes of the meeting held on 27th July 2022 were agreed as a true record and duly **SIGNED** by the Vice Chairman

41 **CHAIRMAN'S ANNOUNCEMENTS (0.06.47)**

The Vice Chairman reminded Members of the following:

- 15th August – Remote meeting with developers for Sampford Peverell application – 2pm
- 17th August – In person Informal Meeting at 10.00am in Phoenix Chambers
- 24th August – Special Planning Committee

He also informed the Committee of the passing of Francis Luxton the wife of the late Gerald Luxton who was a former member of the Committee

He introduced Andrew Seaman, the Member Services Manager to the Committee

42 **WITHDRAWALS FROM THE AGENDA (0.09.26)**

There were no withdrawals from the agenda

43 **ENFORCEMENT LIST (0.09.32)**

Consideration was given to the cases in the *Enforcement List.

Note: *List previously circulated and attached to the minutes

Arising thereon:

- a) ***Bell Cottage, Woodland Head, Yeoford EX17 5HF***

The Committee considered the report of the Development Management Manager.

There were no questions or considerations.

It was therefore **RESOLVED** that the District Solicitor and Monitoring Officer be given delegated authority to take all steps and action necessary to repair the damage to Bell Cottage, Woodland Head, Yeoford EX17 5HF and recover expenses incurred.

(Proposed by the Chairman)

44 **THE PLANS LIST (0.10.32)**

The Committee considered the applications in the *Plans List.

Note: *list previously circulated and attached to the minutes

- a) Application 21/01998/FULL - Erection of two storey rear extension to replace existing flat roof section and alterations to improve accessibility including reinstating existing central door on front elevation at The Guildhall, Fore Street, Bradninch***

The Planning Officer outlined the application by way of a presentation which highlighted the site location plan, existing ground floor access, the proposed scheme and photographs of the site.

The officer explained that the application had previously been brought to Committee and had been deferred to give time for the applicant to address concerns of neighbours. As a result a revised scheme had been submitted which had been welcomed by previous objectors and no letters of objection had been received.

Consideration was given to:

- The views of the Town Council who confirmed that neighbours had not objected to the revised scheme and that it had the backing of the Town Council

It was therefore **RESOLVED** that planning permission be granted subject to conditions as recommended by the Development Management Manager.

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

Reason for the decision: As set out in the report

Notes:

- Cllr Jim Porteous spoke on behalf of Bradninch Town Council

- b) Application 21/02001/LBC - Listed Building Consent for erection of two storey rear extension to replace existing flat roof section and alterations to improve accessibility including reinstating existing central door on front elevation at The Guildhall, Fore Street, Bradninch***

The Planning Officer outlined the application by way of a presentation which highlighted the site location plan, existing ground floor access, the proposed scheme and photographs of the site.

The officer explained that the application had previously been brought to Committee and had been deferred to give time for the applicant to address concerns of neighbours. As a result a revised scheme had been submitted which had been welcomed by previous objectors and no representations had been received.

Consideration was given to:

- The views of the Town Council who confirmed that neighbours had not objected to the revised scheme and that it had the backing of the Town Council

It was therefore **RESOLVED** that listed building consent be granted subject to conditions as recommended by the Development Management Manager.

(Proposed by Cllr E J Berry and seconded by Cllr D J Knowles)

Reason for the decision: As set out in the report

Notes:

- Cllr Jim Porteous spoke on behalf of Bradninch Town Council

c) Application 21/01501/FULL - Demolition of existing school buildings, including adjacent detached classroom buildings and erection of 8 dwellings with garages at Former Primary School Site, Newton St Cyres, Devon

The Area Team Leader outlined the application by way of a presentation which highlighted the site location plan, aerial image, proposed block plan, sit plan, plot details, landscape strategy plan, access arrangements plan and photographs of the site.

The officer explained there was a Tree Protection Order in place on the site.

He explained that a section 106 agreement had to be drafted and as a result of an independent financial viability assessment this would result in contributions of £125,000.

He explained that there was local desire to see a provision of a road crossing from the section 106 contribution but that the Highways Authority had confirmed that the development was acceptable without one. The comments from the Highways Authority showed that the CIL 122 tests had not been met and therefore section 106 contributions could not be diverted to provide an additional crossing as it was not necessary to make the development acceptable in planning terms.

Consideration was given to:

- The contribution towards affordable housing would be allocated to provide such in the local community
- Members views that there was already a road crossing in close proximity to the site
- The parking allocation was in excess of the parking standards
- Waste collection points were included within the Landscaping Strategy Plan
- The views of the Parish Council who felt that the road was dangerous and that an island crossing should be provided for safety. That the Parish Council would like to see the section 106 contributions spent on a road crossing
- The officers confirmation that because the CIL 122 tests had not been met in relation to a crossing, due to Highways Authority comments, that diverting monies to provide one would be illegal
- The views of the Ward Member who stated that the crossing was a priority, that he felt the application did not comply with policies S1, DM1 or DM3. That the development without a crossing put children in danger and that the Highways Authority had got it wrong in the past. That the section 106 agreement should be renegotiated so that a crossing island was provided. He also made reference to the hedge being reinstated and this being conditioned
- That there would be less use of the road from 8 properties than when it was a primary school
- The officers confirmation that the application showed the reinstatement of the hedge

It was therefore **RESOLVED** that planning permission be granted subject to conditions and the signing of a S106 agreement as recommended by the Development Management Manager.

(Proposed by Cllr B A Moore and seconded by Cllr Mrs C P Daw)

Reason for the decision: As set out in the report

Notes:

- Cllr J D Downes requested that his vote against the decision be recorded
- Cllrs S J Clist, L J Cruwys and B G J Warren requested that their abstention from voting be recorded
- Cllr Jim Enright spoke on behalf of Newton St Cyres Parish Council
- Cllr Graeme Barnell spoke as Ward Member
- The following late information was received:

8th August 22

One additional letter was received from a direct neighbour Mr B. Dunn who commented as follows:

I would appreciate it if the previous comments I made on this application are still considered by the committee (see earlier comments on plans). In addition, I have some minor comments on this latest version. First, we respect the tree officers opinion that planned remedial works on the protected tree are within acceptable levels. We request a further visit to the site by the officer after the remedial works have been completed to confirm that the work carried out does not exceed that

proposed. The site development plan seems thorough and appropriate, bar the following issues:

1. We request a stronger stipulation is made about access to the site via Sand down Lane. In a number of places in the document this reads "Sand Down Lane is not planned to be used for any site deliveries or removals from site". Given the unsuitability of Sand Down Lane for any kind of site access for reasons previously argued, we request this is amended to read "Sand Down Lane will not be used for deliveries or removals from site" or "Sand Down lane will not be used for deliveries or removals from site, except with express permission from the local parish council".

2. We note that the site development plan makes a number of sensible recommendations re dust control:

- "In addition to the above: The Principal Contractor and site workers will use the best practicable means to control dust in accordance with Section 79 Environmental Protection Act 1990 and noise in accordance with Section 60 Control of Pollution Act 1974."

- "Dust suppression control measures will be planned and implemented to prevent off site dust nuisance"

- "Stop dust getting into the air. Use 'on-tool' extraction systems on tools and equipment likely to create construction dust. (Local exhaust ventilation). Dust produced during the construction process will, where required, to be controlled by water, either spray mist injected into the compressed airstream or sprayed directly onto the worked area."

- "Any dust generating activities will be avoided during very dry ground and windy conditions where water spray suppression is not able to suppress the spread of dust: Any dust generating activities will be avoided during very dry ground and windy conditions where water spray suppression is not able to suppress the spread of dust"

- "Loads that have the potential for the uncontrolled spread of dust in and out of site will be covered:"

Many of these have been recently violated in the past two weeks, when contractors were removing earth from the site. On a hot windy day during the recent heat wave they filled three skips with soil via digger (25th July), making no mitigations to prevent dust covering the garden of our property (Coniston). This meant our garden, kids paddling pool, washing and trampoline were coated with dust and took a number of hours to clean. My wife took a few photos after the clean-up had largely finished. We had to relocate a BBQ to the front garden, as back garden was not useable. When we raised this the next day, the contractors then did use a water sprayer for the remainder of the work, but this should be something that is routinely done, not only when reminded to do so by local residents after detrimental impact on their property.

3. We request that adjoining properties are given advance notice of days when there will be particular disruption, so we can plan accordingly (particularly Coniston).

45 **MAJOR APPLICATIONS WITH NO DECISION (1.22.36)**

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

The Committee agreed that:

- Application 22/01098/MOUT Land and Buildings North of Blundells Road (Newbury Metals Ltd & Horsden Garage) Tiverton EX16 4DE to be determined by Committee and a full Committee site visit take place

- Application 22/01375/MFUL Land at NGR 277371 93228 East of Church Lane, Cheriton Bishop be determined by Committee and a full Committee site visit take place

Note: *list previously circulated and attached to the minutes

(The meeting ended at 3.41 pm)

CHAIRMAN

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