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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, 26 October 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, 14 December 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: 853 6471 9393

Passcode: 164854

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STEPHEN WALFORD

Chief Executive

18 October 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 9 - 18*)

To consider whether to approve the minutes as a correct record of the meeting held on 31 August 2022.

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 the Council's Monitoring Officer**

At the meeting of Council in August 2022, an interim Monitoring Officer was agreed in order to ensure the Council had a duly appointed Monitoring Officer in place. Following a recruitment process, it is now recommended that Council appoints Maria De Leburne as its Monitoring Officer on a permanent basis.

8 **Notices of Motions**

1. Motion 580 (Councillor B Warren – 9 October 2022)

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

To ensure that motions are recorded in the minutes of meetings in the exact form they are voted upon across all Committees of the Council, the relevant procedure rules shall be revised to extend this specific requirement to Cabinet, Committees and Sub-Committees. This would ensure that the permanent recordings of all meetings comprehensively record the items being voted upon and would strengthen the integrity of the public record, thus being in accordance with the Nolan Principles of Public Life. Therefore:

This Council RESOLVES that the Constitution Part 4 Section 1 Rule 26 (Application to Committees and Sub-Committees) of the Council Rules of Procedure is amended forthwith so as to apply rules 20.1 and 20.2 to meetings of the Cabinet, Committees and Sub-Committees.

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.

2. Motion 582 (Councillor A Wilce – 10 October 2022)

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

The High Court has found that meetings held under the Local Government Act 1972:

“involves participants gathering to meet face-to-face at a designated physical location and “attending” a meeting involves physically going to that location, a requirement that this meeting is to be “open to the public” or “held in public” means that members of public must be admitted in person to the place where the meeting is being held...”

“As we have said, requirements that meetings be “open to the public” or “held in public” are imposed by several different statutory provisions, but they all deal with the same subject matter and may therefore be described as in pari materia. They are therefore “to be taken together as forming one system, and as interpreting and enforcing each other”...”

“But such broadcasting or live-streaming does not, on its own, satisfy the requirement for the meeting to be “open to the public” or “held in public” ...”

[2021] EWHC 1145 (Admin)

This approach was supported by the Lawyers in Local Government, Local Government Association and Association of Democratic Services Officers

In addition, the Secretary of State for HC&LG stated that he considers that:

“the legislative scheme should be interpreted consistently”, and that:

“references to a meeting being “open to the public” or “held in public” should equally be interpreted as referring to physical attendance by the public.”

This Council RESOLVES that the Standards Committee is tasked to

1 Review the Remote Meetings Protocol, and also consider whether or not it should form part of the Constitution; and

2 Consider whether any formal proceedings of the Council should be held online:

- that are required to be 'open to the public' or 'held in public'; or,
- where members are required to 'attend' or be 'present'; or,
- where any notice that is required to be given that must specify the 'place' where those proceedings are to be conducted;

and to make recommendations to Council, accordingly

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.

3. Motion 583 (Councillor E Lloyd – 13 October 2022)

This Council resolves to:

1. Recognise this Council's obligation to protect its rivers and seas, including from the cumulative impacts of pollution, in line with its local strategy and the National Planning Policy Framework and working with other agencies to do so.
2. Recognise that deterioration of water quality occurs due to cumulative impact of multiple sewage discharge events, or "sewage overload".
3. Compile an evidence base that assesses the cumulative impact of wastewater / sewage discharge on local rivers, wildlife and the health of residents, and factor this into decisions made in new iterations of the local plan, including the overall level of future development.
4. Ask the Scrutiny committee, or other appropriate committee, to invite a senior representative of South West Water, the Environment Agency and Natural England, to attend a meeting to answer questions on the current levels of sewage discharge.
5. If it does not already do so, ask South West Water in its planning consultation responses for major development, to clarify which treatment works will be managing the sewage and whether they have capacity to do so; and whether it has the information available to assess the impact on the number or duration of sewage discharges into local rivers or seas. If it does have this information, make a request to share it.

6. Request that officers update members with a report on:

a) what they do to maintain flood defences and channels that fall under the responsibility of MDDC,

b) what they do to protect main rivers and private water courses (and how often inspection/enforcement is undertaken by MDDC or the Environment Agency),

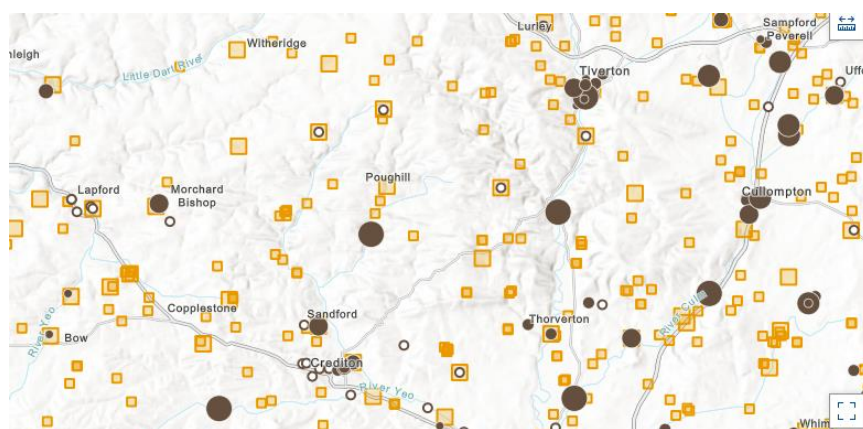
c) the information currently required in reports relating to the impact of large developments on local watercourses (e.g. the impact of sewage outflow into watercourses),

d) whether any large developments have been recently approved (or are under consideration) without suitable sustainable drainage systems in place and reasons why,

e) the tools currently available to MDDC to protect local rivers, and what other tools, policy or resources they'd like to see that would help MDDC fulfil its obligation to protect rivers and seas

Background

Residents are concerned about water quality and the impact of regular wastewater discharge, which includes untreated sewage, into our local rivers and seas and the impact on wildlife and on human health. The UK has the dirtiest rivers in Europe. Here in Mid Devon, in 2021, South West Water discharged sewage into local rivers and seas over 2,068 times, totalling over 20,853 hours of sewage discharge in just one year (monitoring was carried out on 53 of the 93 storm overflows). The map below shows where the sewerage network discharged treated sewage and overflows of untreated sewage and storm water into rivers in England & Wales in 2021. (Source: Rivers Trust Map at <https://theriverstrust.org/key-issues/sewage-in-rivers>)



Key:

- Brown circles: Storm overflows with Event Duration Monitoring
- Clear circles: Storm overflows without Event Duration Monitoring
- Yellow squares: where treated sewage is discharged into rivers

(this can also pose a risk to public health. In some cases, harmful bacteria levels in treated sewage can be many times higher than the minimum public health standards for bathing waters)

Releasing sewage into rivers no longer occurs only as a result of severe storms but is an everyday occurrence even in 'normal' rainfall. The amount of rainfall will increase as the climate changes. There is cumulative overload on the sewage and wastewater system. Whilst there are long term commitments, there are no plans in place which will address the immediate unacceptable situation either locally by South West Water or by national government. Both the local strategy and national planning policy requires a robust approach to both water quality and pollution. As far as we're aware, it is not practice to ask water companies to report on cumulative impact i.e. whether or not development may lead to any potential increase in 'emergency' discharge into rivers and seas.

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 19 - 108*)

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

1. Cabinet
 - 6 September 2022
 - 22 September 2022 (Special)
 - 4 October 2022 (to follow)
2. Scrutiny Committee
 - 21 September 2022
 - 17 October 2022 (to follow)
3. Audit Committee
 - 27 September 2022
4. Environment PDG
 - 11 October 2022
5. Homes PDG
 - 28 September 2022
6. Community PDG
 - 27 September 2022
7. Economy PDG
 - 29 September 2022
8. Planning Committee

- 7 September 2022
- 5 October 2022

9. Standards Committee
- 19 October 2022 (to follow)

10. Regulatory Sub Committee A
- 20 October 2022 (to follow)

10 **Appointment of Committees, Sub-Committees, Working Groups and other internal bodies**

Allocation to follow.

It is recommended:

- (a) that the Council approve the allocation of seats on Committees and other Council Bodies as shown on the schedule;
- (b) that Members be appointed to Committees in accordance with the names notified to the Chief Executive by each of the Political Groups represented on the Council, to give effect to the approved allocation of seats in (a) above;
- (c) that Members also be appointed to Working Groups and other Internal Bodies in accordance with the names notified to the Chief Executive by each of the Political Groups represented on the Council, to give effect to the approved allocation of seats in (a) above;
- (d) that the Chief Executive be authorised to make changes to membership of Committees, Working Groups and other Internal Bodies as may be notified to him from time to time by the relevant Political Group to which those seats have been allocated by the Council;
- (e) that the appointments to seats remaining to be filled by ungrouped Members shall be made at this meeting

11 **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.

12 **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.

13 **Questions to Cabinet Members**

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

14 **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: aseaman@middevon.gov.uk

Public Wi-Fi is available in all meeting rooms.

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **COUNCIL** held on 31 August 2022 at 6.00 pm

Present

Councillors

R F Radford (Chairman)
J Bartlett, E J Berry, J Buczkowski,
W Burke, J Cairney, 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,
Mrs E J Lloyd, B A Moore, Miss J Norton,
S J Penny, S Pugh, D F Pugsley,
Mrs E J Slade, C R Slade, Mrs M E Squires,
R L Stanley, L D Taylor, B G J Warren,
A Wilce, Mrs N Woollatt, J Wright and
A Wyer

Apologies

Councillors

G Barnell, R J Chesterton,
Mrs F J Colthorpe and A White

36 Apologies

Apologies were received from Councillors: G Barnell, R J Chesterton, Mrs F J Colthorpe and A White.

37 Public Question Time

The following question was received from Cllr Paul Elstone:

Item 9 on the agenda - Reports Cabinet meeting 09/08/2020. Public Question Time. On Page 31 of your papers, you will see that I asked questions which were not read out but would be 'dealt with after this meeting'. I have received some 'so called' answers. Answers which I intend fully responding to including providing written verification in support of the assertions I made but which were fully dismissed in the answers received, but I wish to know: Why were my questions and the answers not published with the Minutes of this meeting - as per the Constitution and an assurance from Committee Services?

The Leader responded by stating that Cllr Elstone had received a reply to the questions he had submitted for the Cabinet meeting on 9 August but that since the questions were not read out at the meeting, the replies were not included with the minutes.

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

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

39 **Minutes**

The minutes of the meeting held on 6 July 2022 were agreed as a correct record and signed by the Chairman subject to an amendment that Cllr J Buczkowski be included as having attended the meeting.

40 **Chairman's Announcements**

The Chairman had the following announcements to make:

1. He had attended the Exeter City Council Lammas Fair on 7th July as Chairman of the Council.
2. He had also attended the Burma Star Commemoration in Phoenix Lane, Tiverton on 15th August.
3. He informed Council that he had received a letter of thanks from a member of the public regarding 'the helpful and friendly staff' at the Exe Valley Leisure Centre.
4. He introduced Andrew Seaman, the new Member Services Manager.

41 **Petitions**

There were no petitions presented.

42 **Appointment of an interim Monitoring Officer (00:00:12)**

Council had before it a report * from the Chief Executive regarding the need for it to have a Monitoring Officer at all times. Since the previous Monitoring Officer had now left the authority the report made recommendations for the appointment of an interim Monitoring Officer from 31 August 2022 until a permanent appointment could be made.

RESOLVED that Maria de Leburne be appointed as interim Monitoring Officer from 31 August 2022 until a new permanent Monitoring Officer is recruited and commences employment.

(Proposed by Cllr B Deed and seconded by Cllr C Slade)

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

43 **Notices of Motions (00:00:14)**

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

The Council had 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 had decided that this Motion (if moved and seconded) be dealt with at this meeting.

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

Consideration was given to:

- Daily cancellations of bus services across the district.
- Timetable issues, meaning connections were missed, or long waiting times.
- The effects of a poor service on students trying to get to school or college and on the elderly.
- As a result of issues raised by Devon County Council's Exeter Highways and Transport Orders Committee, Cabinet and full Council, Stagecoach Devon had been called by the Traffic Commissioner to a Public Inquiry on 27th October 2022. The Traffic Commissioner had requested that a body of evidence be brought forward to inform their decision. As such the public were encouraged to submit comments and complaints to devonbus@devon.gov.uk by 6th October 2022.
- A shortage of bus drivers.

Having listened to the debate Cllr Woollatt wished to amend her Motion by including an additional request that her Motion also include the following:

“There be some public communication to let the residents of Mid Devon know that they can send in complaints to Devon County Council via devonbus@devon.gov.uk which can be fed into the Public Inquiry.”

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

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

44 Cabinet - Report of the meeting held on 12 July 2022 (00:00:35)

The Leader presented the report of the meeting of the Cabinet held on 12 July 2022.

45 Cabinet - Report of the meeting held on 9 August 2022

The Leader presented the report of the meeting held on 9 August 2022.

46 Scrutiny Committee - Report of the meeting held on 25 July 2022

The Chairman of the Scrutiny Committee presented the report of the meeting of the Committee on 25 July 2022.

47 Audit Committee - Report of the meeting held on 2 August 2022

The Chairman of the Audit Committee presented the report of the meeting of the Committee held on 2 August 2022.

48 Environment Policy Development Group - Report of the meeting held on 19 July 2022

The Chairman of the Environment Policy Development Group presented the report of the meeting of the Group held on 19 July 2022.

49 Homes Policy Development Group - Report of the meeting held on 26 July 2022

The Chairman of the Homes Policy Development presented the report of the meeting of the Group held on 26 July 2022.

50 Community Policy Development Group - Report of the meeting held on 2 August 2022

The Chairman of the Community Policy Development Group presented the report of the meeting held on 2 August 2022.

51 Planning Committee - Report of the meeting held on 13 July 2022

The Chairman of the Planning Committee presented the report of the meeting of the Committee held on 13 July 2022.

52 Planning Committee - Report of the meeting held on 27 July

The Chairman of the Planning Committee presented the report of the meeting of the Committee held on 27 July 2022.

53 Planning Committee - Report of the meeting held on 10 August 2022

The Chairman of the Planning Committee presented the report of the meeting of the Committee held on 10 August 2022.

54 Planning Committee - Report of the meeting held on 24 August 2022

The Chairman of the Planning Committee presented the report of the meeting of the Committee held on 24 August 2022.

55 Licensing Committee - Report of the meeting held on 26 August 2022

The Chairman of the Licensing Committee presented the report of the meeting on 26 August 2022.

56 Regulatory Committee - Report of the meeting held on 26 August 2022

The Chairman of the Regulatory Committee presented a report of the meeting held on 26 August 2022.

57 Questions in accordance with Procedure Rule 13 (00:00:49)

There were no questions submitted under Procedure Rule 13.2.

58 Special Urgency Decisions (00:00:50)

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.

59 Questions to Cabinet Members (00:00:51)

Councillor F Letch addressing the Cabinet Member for Housing and Property Services stated that he was very concerned about the number of empty properties in his ward. A particular property now had curtains in the window but had not been advertised through Devon Home Choice. Why? The Cabinet Member replied that he did not know why but that he would find out and get back to him.

Councillor F Letch then asked the Leader why Policy Development Groups weren't making recommendations or developing policy. It was explained that Policy Development Groups made recommendations to the Cabinet all the time. It was then up to the Cabinet to resolve them or make recommendations to full Council.

Cllr B Evans addressed the Cabinet Member for Planning and Economic Regeneration and stated that in light of the recent notification of an appeal decision loss, in respect of Appeal Decision 20/01263/MFUL Allotments, Tumbling Fields Lane Tiverton, I would like to ask:

1, How many appeals have the Authority lost within the past three years (the entirety

of this current administration) please?

2, How many of these are a result of an appeal that followed a refusal by the planning committee that was originally recommended to be granted by officers?

3, How much have MDDC paid out in respect of the above lost appeals that have resulted in costs being awarded against MDDC and specifically can I have an “estimate” of probable costs against the full costs awarded against 20/01263/MFUL Allotments, Tumbling Fields Lane Tiverton?

The Cabinet Member for Planning and Economic Regeneration had sent his apologies to the meeting, however, the Leader responded on his behalf:

Question one:

Q1	
Total Appeals Made	75
Appeals Lost	36
% of Appeals Lost	48%

Question two:

Q2	
Committee Overturned Officer Recommendation	10
Committee Overturned Officer Recommendation Lost at Appeal	8
% Lost at Appeal	80%

Question

three:

Q3	
Costs to Defend Appeals	£190,326.15
Costs Awarded Against MDDC	£33,512.00
Over All Cost	£223,838.15

Full confirmation of costs would be circulated once known.

Cllr Evans addressed the Cabinet Member for Housing and Property Services and stated that he was very concerned about the lack of progress on social housing provision for sites that already had planning permission. He was also concerned about the absence of any additional applications in the past four months and the lack of member information on possible funding opportunities from Homes England (HE). He specifically asked the following questions and in each case the Cabinet Member responded:

- a) Why has there been no visible progress made at either the Cullompton or Tiverton modular build sites?

Answer: These are both modular schemes with off-site (factory) construction of the units. Consequently as modern methods of construction projects the activity will be over a significantly condensed period than would normally be the case with traditional build schemes and will happen closer to the end of

the project. Nonetheless significant progress has been made regarding each site. A web cam has also been commissioned for the St Andrews scheme which will enable progress to be viewed remotely.

- b) When can members and more importantly the residents of Mid Devon expect each site to be completed and residents in situ?

Answer: Quarter 4, 2023/2024 for both schemes.

- c) When can members expect to see the next application for a modular build project for social housing?

Answer: Feasibility studies have been completed for 6 new schemes ahead of a pre-planning submission with more to follow. The first two of these schemes are located in Hemyock and Bampton. Separately we have agreed in principal to purchase the 1 bed z pod demonstration unit previously showcased at CVLC in Cullompton at a discounted price.

- d) What if any progress has been made in the specific funding application for the Tiverton project?

Answer: A full detailed application has been made with Homes England (HE). A final decision will be made in September.

- e) Can you confirm negotiations with HE have continued around general funding opportunities and when?

Answer: Yes we have continued to hold regular meetings with HE. At HE's request between June and July 2022 we submitted a tentative potential pipeline of social rent schemes over the next 5 years but HE require significant confidence that planning permission will be granted. In addition we have identified that both the St Andrews and Shapland Place schemes may be eligible for parallel additional funding.

If secured all external funding will ease Housing Revenue Account borrowing requirements and support the delivery of the wider programme.

- f) What is the general consensus on possible HE funding of modular schemes within our area?

Answer: Very positive with a wide in-principle aspiration to support our social rent, MMC and carbon zero schemes. However, any grant decision is made by HE on a case by case basis.

- g) Why has no progress been made in the last five months against the inherited plan given members universally agree for the need for social housing and identified and funded opportunities have been inherited?

Answer: Significant progress has been made and further plans are in place to deliver a wider programme over the next 5 years as I have set out through a

mix of traditional and MMC modular schemes. For example, 12 schemes are planned in total for 2023/2024.

The Cabinet Member urged all Members to attend the Mid Devon Housing Development Programme briefing being held the following evening.

Cllr B Holdman asked the Cabinet Member for Community Well Being why they still hadn't received an update on the situation with the front desk at Tiverton Police Station? The Cabinet Member replied that the Police and Crime Commissioner was leading on this and he would be attending a meeting in September with her and he would raise the matter with her.

Cllr Mrs N Wolloatt asked the Cabinet Member for Housing and Property Services the following questions:

How is the z pod project at St Andrews Cullompton progressing?
Planning permission was granted in February. Is everything going smoothly with the project? Has off site modular construction commenced yet?
When do we anticipate construction on site to commence and what is the anticipated completion date?

Answer: Yes off-site modular construction is underway and site work will start in September. Completion will be late December/early January.

2. Finding additional parking spaces was part of the conditions of the permission, I'm aware that a location has been identified and that it was hoped to submit a planning application for this during August. I have not seen any application come through as yet. Please will you update when we can expect to see that application submitted?

Answer: It was intended to go to Planning in August, but we are waiting on a report from Highways, as soon as it is received we will progress to Planning.

60 **Members Business**

All Members congratulated Cllr J Cairney on his recent marriage.

Cllr S Clist drew Members attention to Back British Farming 2022 which it was confirmed would be held on 14 September 2022. This would focus on the importance of agriculture to the British economy.

Cllr B A Moore referred to the importance of the work of 'Involve' in supporting communities, however, they were looking for trustees and he urged Members, or people they knew, to consider the role.

Cllr N V Davey thanked officers for how they had dealt with an illegal encampment in Amory Park. An Enforcement Order had been served and a great deal of cleaning up had been needed by Mid Devon Officers. Cllr C Slade and Cllr D J Knowles also expressed their thanks to the team as fellow Ward Members.

Cllr C Slade stated that the Tiverton Museum of Mid Devon Life also needed trustees. He explained that there were exciting plans for the future and he thanked Cllr F J Colthorpe for her contributions thus far.

(The meeting ended at 7.27 pm)

CHAIRMAN

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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **CABINET** held on 6 September 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

Councillors Also

Present: B Warren, B Holdman, L Cruwys, S Clist, G
Barnell, J Buczkowski

Also Present

Officers: Stephen Walford (Chief Executive), Richard
Marsh (Director of Place), Maria De Leburne
(Operations Manager for Legal and Monitoring),
Paul Deal (Corporate Manager for Finance),
Simon Newcombe (Corporate Manager for
Public Health, Regulation and Housing), Tristan
Peat (Forward Planning Team Leader) and
Clare Robathan (Policy and Research Officer)

46. **APOLOGIES**

There were no apologies for absence.

47. **PUBLIC QUESTION TIME**

The following questions were received from members of the public:

Paul Elstone:

Question 1

During the July 2020 Cabinet Meeting the MDDC Leader stated “it was time to Lift the Veil” on 3 Rivers. Since then, the MDDC has continued to make full use of PART 2 constraints. Constraints that act as an iron curtain preventing an expected level of public transparency. More than two years later and with increasing MDDC financial exposure, the justification for this additional 3 Rivers loan is being hidden behind secret reports. The public are not permitted to see these documents and not even know their titles! Will the Council Leader please do what he can to “Lift the Veil” of secrecy now?

Question 2

Given that the MDDC loan agreements with 3 Rivers are on an individual project basis and not on a group basis, how much of the additional funding request of £2.3 million is allocated for the St Georges Court Tiverton Development?

Question 3

Cabinet are being asked to lend an additional £2.3 million to 3 Rivers when MDDC's own risk reports show 3 Rivers as a high lending risk. Are Cabinet Members aware that an external Credit Report available in the public domain dated July 2021 also deemed 3 Rivers a high credit risk?

Question 4

How can MDDC Officers and Cabinet Members reconcile the following two statements?

Statement 1

Grant Thornton state in the latest MDDC Audit: Report (Page 9) "For MDDC we have concluded that the greatest risk of material misstatement relates to Group Revenue". "We have therefore identified the occurrence and accuracy of 3 Rivers trading income as a significant risk of misstatement and a key audit matter".

Statement 2

Cabinet Members briefing notes (Page 396) and in justification for the additional funding of £2.3 million states the following: "strengthened expected sales income of the properties which should allow for net profit and loan repayment profiles in line with previously declared expectations"

Question 5

Have Simpkins Edwards, as the 3 Rivers newly appointed internal auditors, completed a full Audit on the 3 Rivers business. If so, has their Audit Report received full oversight by Grant Thornton as the MDDC Auditors and has it also been made available to MDDC Councillors?

Question 6

It appears the St Georges Court impairment amount of £790,000 is being written off over a period of 5 years. Can it be confirmed this is not the case and that the impairment will not be written off by MDDC at any time?

Question 7

Can it be confirmed that no portion of the additional St Georges Court funding now requested will also be added to the impairment amount going forward?

Question 8

In terms of 3 Rivers revenue stream predictions, are Cabinet Members aware of how many of the 39 St Georges Court properties have been sold off plan?

This given the latest completion date being given is just 2 months away, November 2022. My understanding is the number is very low, perhaps even with just one flat having been reserved but not confirmed as sold.

Nick Quinn

Question 1

In paragraph 3.2 of this report, the recharges paid to the Council are shown as £0.387M. But, the figure previously given to Audit Committee and Cabinet, in November 2021, for recharges already received by the Council was £0.452M (this was confirmed in a clarification report to Scrutiny Committee in February 2022). This inconsistency raises yet another question on the reporting of financial transactions with the Company.

Why is the Recharges Paid figure shown in this report, £65,000 lower than the amount previously reported, as already received, in November 2021?

Question 2.

In paragraph 3.3, the net benefit of 3RDL is calculated as £1.52M. However, this amount has only been achieved by subtracting a very reduced impairment figure. All amounts which have been, or will be, "written-off" are a loss to the Council; so the whole of the impairment figure should have been subtracted from the total benefit calculation.

Why has the full impairment of £790,000 not been subtracted in the calculation of net benefit?

Question 3

I am very concerned with the amount of public money that is being put at risk in loans to 3RDL. A further loan of £2.3M, when added to the £19.66M already promised, results in a massive exposure of £21.96M.

Have the Council's Audit Committee, or External Auditors, been consulted on this loan; or whether an exposure risk of nearly £22M with this single Company, is appropriate, advisable or acceptable?

Hannah Kearns:

Question 1

In the report, it says the Cabinet have received regular project updates from 3 Rivers which have identified additional funding pressures on two (2) of its current live schemes. I have looked through past Cabinet papers and the last regular update was in April. I cannot find any mention of pressure on live schemes.

Will the Cabinet please provide the details of when these regular updates were presented to Cabinet and indicate which sections refer to specific additional cost pressures on these two schemes?

Question 2

The report gives various reasons for why 3 Rivers needs an additional loan of £2.3 million, including increases in price of material and labour. But it also talks about hostage pricing. If 3 Rivers are being held hostage, then it seems that 3 Rivers did not put proper contracts in place, leaving them open to unreasonable increases. As usual, it seems their only way out of their mess is to come to the inexhaustible money tree that is this Council.

Why did 3 Rivers not have in place proper contracts for these two developments to stop such a large additional, hostage, costs being demanded to achieve completion?

Question 3

A Part 2 paper is said to set out how this £2.3 million will be used to complete the two current sites. I take it that these would be St Georges Court and the development at Bampton (a total of 48 properties). An extra £2.3 million across 48 properties means an extra £48,000 cost per property.

As this Part 2 paper is hidden from the public, will Cabinet please state whether the asking price of these properties will bear an additional £48,000 or will the Company have to bear this additional cost?

Question 4

The report says that the Council 2022/23 budget includes a sum of £0.578 million for the repayment of interest and recharges. With the recent rises in Interest rates, 3 Rivers are now paying 6.25% on loans of £15 million (soon to be £18 million if this report goes through). Interest rates and consequential charges will very likely to rise significantly before year end and into 2023.

If the Cabinet is going to grant the request for a loan of £2.3 million, will Cabinet assure the Public that 3 Rivers will only use this money to pay for materials and work to complete these two sites and that none of it will be used to pay interest and charges back to the Council?

Question 5.

The report proposes to use of £0.58 million previously agreed for projects. The funding allocation agreed in previous Business Plans was for specific projects and it has not been made clear how these projects will be affected. No proper business case has been put forward for this and the 3 Rivers Business Plans will not be revised until this November.

Can the additional loan of £0.58 million be set aside at this meeting, so that it can be considered properly as part of the revised 3 Rivers Business Plan in November?

The Leader thanked the Questioners and noted that answers to these questions would be given at an appropriate time during the meeting.

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

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

49. **MINUTES OF THE PREVIOUS MEETING**

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

50. **MID DEVON AS A TRAUMA INFORMED COUNCIL**

The Cabinet had before it, and noted, a report from the Corporate Manager for Public Health, Regulation and Housing that provided information to Members about Mid Devon District Council (MDDC) becoming a Trauma Informed Council, with a trained trauma aware workforce, as requested by the Community Policy Development Group (PDG) held on 22 March 2022. It followed a recommendation of the PDG Working Group on Community Safety made at the meeting that the PDG investigate adopting this informal status and strategic approach as a Council.

The Cabinet Member for Community and Well Being outlined the following:

- There was a risk that if not approved MDDC services would not suitably or satisfactorily accommodate the needs of our service users.
- External training costs for the scheme were: £9000 for year 1 and £3000 for year 2, but there was an option for in-house trainers which would cost £2700 per person (x3 = £8100).
- To become Trauma Informed (TI) provided a wider synergy with the Council's Corporate Plan and Priorities which included: 'Support and grown active tenancy engagement' which ensured inclusivity of the most vulnerable within our tenants and communities; 'Promote new/more integrated approaches to promoting good health and healthier living, especially in the context of planned new developments'; 'Seek opportunities to address public health issues and disparities to improve the health and wellbeing of everyone in Mid Devon' and 'Promote community involvement in Council activity'.
- That there were potential benefits some of which included: individuals and communities would feel that they were being listened to; that positive relationships would be formed and the Council/individuals are trusted and that people would feel safe and supported.

The Leader thanked the Cabinet Member for their presentation and opened the floor for questions, which were as followed:

- The Leader asked if there was a figure in mind in terms of total costs, to which the Corporate Manager for Public Health, Regulation and Housing explained that if in-house trainers were used then the overall costs would be circa £20,000.
- The Leader also asked if this cost would be placed on the general fund or the HRA fund. The Corporate Manager for Public Health, Regulation and Housing explained that it was designed for all services where relevant and would benefit from the training. The exact split between the general fund and HRA fund would need to be determined.

- A Cabinet Member raised support for this training and applauded this direction. They also raised that trauma does not go away but was managed and if support could be given to those individuals then that could only be a good thing.

RESOLVED to recommend to Full Council: That

1. The degree of investment the Council would be required to make towards becoming a Trauma Informed (TI) Council as set out in the report.
2. A stepped approach is adopted, as set out in Annex 1.

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

Reason for Decision: There would be a risk that if this approach was not approved that MDDC services would not suitably and satisfactorily accommodate the needs of our service users. In addition, adoption of a TI approach supported the Council's desire to be progressive and committed to providing a high quality and sustainable service. This modification to a TI service delivery linked closely with the promise for local engagement and participation, supported good health (because of improved understanding of barriers), promoted equality of service, and supported the values that are important to the Council.

51. RECOMMENDATIONS OF THE ANTI-SOCIAL BEHAVIOUR WORKING GROUP

The Cabinet had before it, a report from the Policy and Research Officer which outlined the review undertaken by the Community PDG Working Group on anti-social behaviour (ASB).

The Officer in brief raised the points highlighted below:

- This was a report from the Community PDG working group on anti-social behaviour. The working group looked to ensure that the Council had a targeted and effective response to ASB in the District.
- The report found that the Council had comprehensive and effective policies on ASB, and that officers were adept at tackling and resolving issues.
- The Mid Devon Senior Inspector, Insp Leitch had agreed to provide monthly newsletters, and a Member Briefing was due to take place on 29 September 2022.

The Leader thanked the Officer for their presentation and opened the floor to questions which were as followed:

- The Leader commended the good work that had been carried out by the working group of the Community PDG. In addition, he raised the importance of being kept up to date and that these monthly updates and bi-annual briefings be maintained.

- A Cabinet Member asked if the Senior Inspector had already agreed to that a monthly newsletter be provided to Members and how had the Police responded to this report and its recommendations. To which the officer explained that the Senior Inspector was happy to provide these monthly updates as well as all Member briefings every 6 months.

RESOLVED: That

1. That Members of the ASB working group would be 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. Information around ASB and how to report it would be clearly communicated to Members and the public.
3. The Mid Devon Senior Inspector would be requested to provide Members with a monthly update on policing in the District and consideration be given to other ways to engage with members.
4. The Community Safety Partnership (CSP) review the Community Trigger process.

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

Reason for decision: A key priority for the Council was to promote sustainable and prosperous communities. The impact of ASB could cause distress and suffering for victims, and was a key concern for Mid Devon residents.

52. **MID DEVON AIR QUALITY SUPPLEMENTARY PLANNING DOCUMENT**

The Cabinet had before it a report from the Director of Place which sought approval for the draft Mid Devon Air Quality Supplementary Planning Document (SPD) for Public Consultation.

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

- Following the Council's adoption of the Mid Devon Local Plan in July 2020 there has been a need to prepare a new Air Quality Supplementary Planning Document. This SPD will provide further guidance and information about how local plan policies (and the development plan as a whole) in relation to air quality will be applied and interpreted. While the SPD will not form part of the adopted development plan, it will be capable of being a material consideration in determining planning applications where air quality is relevant.
- A draft Air Quality SPD has been prepared by consultants. It is aligned with the current National Planning Policy Framework, and aims to provide a consistent approach to assessing air quality impacts from planning proposals, and to encourage early engagement in the development process. The SPD will assist developers in determining when an air quality assessment is

required for a new development, provide guidance through the emissions and air quality assessment procedures, and identify suitable mitigation measures to be included at the planning stage.

- The Council will be able to use the guidance to sustain and contribute towards the compliance with national air quality objectives, with consideration given to the presence of Air Quality Management Areas (AQMAs) in Crediton and Cullompton, and the cumulative impacts from individual sites in local areas.

The draft Air Quality SPD is structured into a three stage process:

- The first stage is to classify the development as having a small or large impact. This will include consideration of whether the planned development is within, near to, or will likely have an impact on an AQMA, and will identify what actions are required to assess the new development. This will range from 'no action required' to 'air quality impact assessment required'.
- Stage 2 sets out how to assess and quantify the impact of the development on local air quality.
- Stage 3 determines the mitigation to be applied.

The draft Air Quality SPD has been 'screened' for the purpose of Strategic Environmental Assessment and Habitat Regulations Assessment, and no requirement has been identified for a full Strategic Environmental Assessment, or Appropriate Assessment.

The Planning Policy Advisory Group (PPAG) considered the Air Quality SPD at its meeting of 1st August 2022 and has noted its content. The PPAG has requested that a non-technical guide is prepared and is made available as part of, and to assist, the consultation on the Air Quality SPD. This request forms part of the recommendations that are before the Cabinet.

Should the recommendations be agreed then once that decision comes into effect the SPD will be subject to a public consultation exercise of at least 6 weeks. Once the consultation has ended and all comments have been taken into account, the final version of the Air Quality SPD and a statement of public participation will be presented to a future meeting of the Cabinet with a recommendation to adopt the document as a SPD.

The Leader thanked the Cabinet Member for their presentation and opened the floor for questions, which were as followed:

- A Cabinet Member raised that this would have a positive environmental impact.
- A Cabinet Member also added that they too supported the recommendations and that a non-technical guide would be welcomed.

RESOLVED: That

1. The draft Mid Devon Air Quality Supplementary Planning Document (comprising Appendix 1 to this report), the Strategic Environmental Assessment Screening Report (Appendix 2 to this report) and the Habitat Regulations Assessment Screening Report (Appendix 3 to this report) be 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 material and arrangements for consultation, including a non-technical guide for the Air Quality SPD.

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

Reason for Decision: The Air Quality SPD would provide guidance on the Mid Devon Local Plan 2013-2033 policies on air quality. The document would reduce the risk of costs awarded against the Council where decisions are based on its content. It would help deliver the Corporate Plan objectives on Environment and Community. Finally, it would help minimise the impact development would have on climate change and supported the Council's commitment to achieving net zero carbon emissions by 2030.

53. TIVERTON NEIGHBOURHOOD PLAN - DECISION ON EXAMINERS REPORT

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

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

- Tiverton Town Council has been preparing a Neighbourhood Plan following the designation of the neighbourhood area in November 2018. The neighbourhood area covers the parish of Tiverton. The preparation of the neighbourhood plan has included consultation on a pre-submission draft plan in 2021 and consultation on a regulation 16 publication plan in early 2022. The Neighbourhood Plan has since been examined and Mid Devon District Council received the final Examiner's report on 27th July this year.
- There is now a need for the Council to consider the Examiner's recommended modifications and reach a decision whether the Tiverton Neighbourhood Plan with the Examiner's recommended modifications and some typographical corrections be agreed, and that the plan proceeds to a local referendum. This forms the basis for the recommendations that are before the Cabinet.
- 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 November this year. Following the local referendum, if more than 50% of those persons voting, vote 'yes' then the Neighbourhood Plan will come into

force as part of the statutory development plan for the Tiverton area. The Neighbourhood Plan must be 'made' within eight weeks of the local referendum, which will be through its formal adoption by the Council.

- The report sets out in more detail the outcome of the examination and the process for the Council making a decision and the options available.
- The Planning Policy Advisory Group has noted the recommendations of this report at its meeting on the 1st August.

The Leader thanked the Cabinet Member for their presentation and opened the floor to questions which were as followed:

- A Cabinet Member asked if a date had been decided for a full council meeting. To which an Officer noted that a date was yet to be confirmed.
- A Cabinet Member noted that they thought it would never get to this stage and that officers had done an excellent job and that this positive progress would support relations with Tiverton Town Council.

RESOLVED: That

1. The Examiner's modifications (Table 4) and correction of errors (Table 2) be agreed, and that subject to these modifications the Tiverton Neighbourhood Plan be determined to meet the Basic Conditions (as defined in Town and Country Planning Act 1990 Sch 4B) and other legislative requirements;
2. The Decision Statement attached at Appendix 2 be approved; and
3. The Tiverton Neighbourhood Plan (at Appendix 3) subject to the Examiner's modifications and correction of errors, proceeds to a local Referendum based on the boundary of the Tiverton Neighbourhood Area.

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

Reason for Decision: If the Tiverton Neighbourhood Plan be approved by referendum, it would form part of the statutory development plan for Mid Devon and the strategy for guiding new development in the district, allocated sites for housing and economic development, the provision of infrastructure, as well as policies for the protection of the environment and managing development. The plan would help meet the Corporate Plan priorities: 'Homes', 'Environment', 'Community' and 'Economy'.

54. **FINANCIAL MONITORING**

The Cabinet was given a verbal update from the Cabinet Member for Finance who raised the following:

- Overall, the forecast outturn had worsened across the General Fund & HRA, since the last update.
- The biggest movement from P3's forecast was in respect of the forecast Pay Award. From a budgeted 2%, to the Q1 value of 3%, the Employer's Body

offer had been fully included. It was reiterated that it was £1,925 per FTE, or 10.4% on the lowest salary band to a circa 3% for Corporate Managers. It had been estimated to be an additional £ 0.5M. It was noted that the offer may or may not be accepted, so there remained a risk that the figure could go higher before the year end.

- Current general inflation pressures threatened the Council, utility costs were the most significant pressure. However, the Q1 report assumed a significant increase per pessimistic forecasts so there was no reason to make changes at this point. Another reason for the continued strategy was that the Council had pre-purchased energy contracts so that near-term costs were controlled. In addition, fuel prices had eased since Q1, which reduced the forecast overspend.
- In terms of resources, recruitment remained a tough challenge. Consequently, the Council continued to rely heavily on agency staff in key areas of planning, waste and street scene. Whilst salary underspend balanced agency overspend to some degree, the net is generally unfavourable compared with the budget.
- On income, cost of living pressures continued for local residents and businesses which impacted the Council indirectly. As noted in the Q1 report, Council Tax and Business Rate collection performance remained depressed. Similarly, leisure and parking income remained below budget and was still lower than pre-covid. However, there were areas where income was better than budget, for example in planning, recycling sales and trade waste.
- Costs would be limited where possible by stopping, pausing, economising, or slowing down. Consideration may need to be given to vacancy management processes, with resources being the biggest budget item. However, it was acknowledged that it would be unlikely that this will be sufficient to compensate for the pressures faced by the Council and noted that a combination of Government intervention and use of Reserves was almost inevitable.
- Budget preparation was underway and that these impacts would be reflected in the Medium Term Financial Plan due to Cabinet on 4 Oct 2022.

RESOLVED: That the update be noted.

55. **3 RIVERS DEVELOPMENT LIMITED - FUNDING REQUEST**

The Cabinet had before it a report from the Deputy Chief Executive which sought approval for a funding request from 3 Rivers Development Limited.

The Cabinet Member for Finance who raised the following:

- This report and associated recommendation is for Cabinet to authorise an increase to the current loan agreements to 3RDL of £ 2,280,784. This is for 3 specific purposes: to deal with projected overspends on the 2 active projects at St George's Court and Bampton, to increase the working capital in the business, and to allow the business to work on alternative prospects following

the revised Treasury guidance on out-of-District projects. It is important to stress that these increases *do not* breach the overall funding envelope agreed within the Council's budget, in fact, far from it. Rather it reflects a pragmatic rescheduling of finance arising from the impact of external factors beyond the business's control.

- That the lending envelope approved by full council was £19.66m Lending envelope for 2022/23. The request for an additional £2.3m would put the total projected spend at circa £12.7m, £7m under the enveloped budget.
- Regular updates to Cabinet have highlighted the inflationary cost pressures on the business arising from materials and labour challenges in various guises. These have had an inevitable impact on the 2 live projects, driving these loan increase requests. On the other hand, the housing market in the region has been vibrant, reflected in an increase in sale prices. Overall, project outturns, assuming somewhat pessimistic sales forecasts, remain broadly the same. Full details are in the Part 2 element of the report.
- Both these projects fit within Treasury guidance, meeting MDDC policy to provide housing and regeneration in area. As the Lender, the Council was interested in risks and returns on its capital investment. Were Cabinet not to approve the loan increases, to cease funding the projects prior to completion as some propose, there would be a sudden and significant threat to the Council's investment. By carefully proceeding, by contrast, there is no notable change in Council capital risk by increasing loan value, while interest returns remain very beneficial to overall Council finances, particularly noting my previous report.
- It has always been the goal for the business to be a long-term net positive contributor to the Council's finances whilst fulfilling policy objectives. The change in Treasury guidance earlier this year brought an unwanted change to the business's geographical ambit and forced the abandonment of several prospects one of which was very advanced. As, in the true sense of the words, a going concern, the business must refocus on a revised pipeline of work. A sum of £580k was sought to explore new sites, as set out in the Part 2 part of the paper, to make up for the loss of a number of opportunities. As such this is no more than a redirection of existing budget allocation.
- Section 3 of your report provides an overall summary of the Council's financial position with regard to the business, indicating a healthy return on the investment to date. Risks inevitably remain, but governance is strong and the last Council external audit was positive.

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

Responses to questions from Nick Quinn included:

Answer to question 1:

A change in reporting of VAT, so that we now show net figures rather than gross, plus Recharges in this particular case since November 2021. This change has been reported previously.

Answer to question 2:

That impairment and the way it has been calculated for these figures is shown in the report, and that the impairment is being charged over a 5 year time frame in accordance with accounting practice. As the report clarifies 40% of the capital loan impairment has therefore been properly included along with the full working capital loan impairment.

Answer to question 3:

This is a question of principle rather than the specific figures. The established process is that the annual Business Plan for 3 Rivers is reviewed by Audit before seeking Cabinet approval. The finance to support the Business Plan then forms part of the Council's Budget agreed by Full Council prior to the start of the financial year. This is the fully approved public money funding envelope within which 3 Rivers operates. These additional loans for specific projects and working capital, as I have shown, fall well within that agreed funding envelope, the individual justification having been set out in the paper. External audit has specifically looked at current governance arrangements for lending to 3 Rivers and has expressed a positive view of what we do.

Responses to questions from Hannah Kearns included:

Answer to question 1:

These updates were included within commercially confidential part 2 reports since April and is not unusual for Cabinet Members to discuss in a more informal manner the status of 3 Rivers on a regular basis.

Answer to question 2:

The report cites "some sense of hostage pricing" as the last of 6 reasons for cost increases. This is a standard industry term reflecting the need to pay higher material prices and casual labour rates to secure supply in the current tight market. In this, 3 Rivers is not alone. It is certainly not a reflection on the professional contracts that exist with a range of sub-contractors and suppliers.

Answer to question 3:

Some of that £2.3m figure was working capital and so was not directed into projects. On whether the company or properties will bear the costs, it's actually a mix but the paper really states the former, it says: "Countering this is strengthened expected sales income of the properties which should allow for net profit and loan repayment profiles to be in line with previously declared expectations." As I have already noted revised sales income is based on prudent assessments by professional agents.

Answer to question 4:

The business draws down loans within the agreed facility incrementally to meet project requirements, they don't get it all upfront. The Interest Rate applied is fixed at the point of drawdown. Therefore the assumption on which the questioner's statement is made is incorrect and over-assesses interest charges and the business's exposure. The loans being requested reflect total project costs including interest and working capital.

Answer to question 5:

The request is to reallocate funding from a generic approval for future development projects. Given mandatory changes that restrict lending to in-area, some of those projects can no longer be pursued. This proposal uses some of the released funding to establish an enabling fund to identify and assess new, replacement projects. For the business to continue to be viable a pipeline of future projects is essential in a fast-moving and competitive market: delay will hamper the business.

Responses to questions from Paul Elstone included:

Answer to question 1:

2 years is a long time, the situation then, was what it was and was fully addressed at Cabinet at the time. It resulted in 33 actions to be taken; they were taken. And then the decision of Council was that we continued to proceed with 3 Rivers. So the fact that comments that were made 2 years ago, that were accurate, but life moves on, we do not have time to keep going back over the centuries as to what we said previously. We are where we are now.

Answer to question 3:

When they learnt that they had restrictions in terms of geography for their future projects they looked elsewhere, but needless to say as a start-up company in their current position there's no surprise whatsoever that it's a high credit risk. That is why the council is funding it and is very mindful with strong governance in place.

Answer to question 5:

It was agreed relatively recently that the company has their own auditors and completes an audit to be presented to the Council's auditors and that this is in process.

Answer to question 6:

St George's Court had already been discussed, the impairment, and as mentioned previously that was in accordance with accounting practice.

The Cabinet Member for Finance noted that questions not answered at the meeting would be answered in writing.

The Leader thanked the Cabinet Member for their presentation and opened the floor to questions, which were as followed:

- A Cabinet Member asked if 3 Rivers had a solid business plan and a safety net in place for emergencies. It was explained that plans were set for a year and noted that circumstances could change, for example when sites change. The plans looked at individual projects and noted that each business case had a degree of uncertainty but a reasonable amount of contingency was in place.
- Concern was raised that the Council was a bottomless pit that supported of 3 Rivers financially, to which it was reassured that a pragmatic stance needed to be taken and that the Council would be at more risk financially should 3 Rivers not be funded and specific projects be approved.

- Asked how confidence could be shown in the company, to which it was explained that a sound and professional level of governance was in place and that 33 actions were established to support this.
- When commercial funding was raised it was asked why 3 Rivers were approaching the Council and were there plans for 3 Rivers to apply for commercial funding. It was explained that it was difficult to get lending at a competitive rate when compared to what the Council could provide. In addition, it was noted that once the company was more established it could be considered that the company sought commercial funding when required. Clarification was sought after over commercial funding to which it was highlighted that the Council received interest on the loans it provided to 3 Rivers.
- A Member raised concern over public confidence as well as Member confidence and highlighted that the risk assessment could not be found within the report presented to Cabinet and clarification was wanted in regards to what the risk assessment advice was and why this had not been presented to the Scrutiny and Audit Committees.

In addition, clarification was wanted as to when the business plan would be presented and highlighted that Cabinet had previously agreed not to finance projects outside of the district boundary.

In response to the questions asked, it was explained by the Cabinet Member for Finance that new guidance had been received and emphasised that the Council were not able to instruct 3 Rivers where to develop and were not able to lend the funds for projects outside the district as requested at that time. It was noted that a correction would be made to the wording at 2.2 of the report. The revised business plan was due to be presented to Cabinet on 1 November 2022.

In addition, The Cabinet Member for Finance highlighted that risk was involved with any commercial venture, this had been mitigated through discussions and meetings that had taken place alongside strong governance and external audits. It was noted that the controls in place were strong and that there would be risk in a competitive market. Finally, that public concerns would be alleviated as much as possible through professional mitigating actions.

- A Member raised that the public facing report was where confidence was either won or lost. Reports from architectural journals and Grant Thornton reports had shown examples of company failures. They highlighted concerns that the report was incomplete.

The Leader reminded Members to remain within the scope of the report presented to Cabinet. Questions from Members continued as followed:

- A Member was invited to speak who raised concern over that how scrutiny and audit had been handled with regards to this decision and noted that due to commercial sensitivity, certain information had been limited to the majority of Members. It was noted that the current business was potentially void due to a

number of material changes that surrounded the company's circumstances and viability.

In addition, the business plan was due in the summer of 2022 but this had been delayed. A key governance control had been confirmed that a review of any business plan had to go through the Audit committee before it could be considered by Cabinet, this included amendments to an existing business plan.

It was argued that Cabinet were supporting a funding request without the support of a current business plan that had been scrutinised by the Audit Committee and urged that a decision be deferred until an up to date business plan had been scrutinised.

The Leader emphasised that if there was doubt over the decision made by Cabinet, the decision could be called in to scrutiny. The Cabinet Member for Finance added that although elements of the business plan were no longer valid, which was due to a reduction in business operations, had not meant that the business plan was void. It was also reassured that particular elements of the business would remain in the revised version which included the report presented to Cabinet. Finally it was confirmed that the business plan would go through audit.

- A Member was invited to speak who highlighted that local site availability had not been mentioned in the report. Stated that looked outside the district due to availability which was a risk issue.

The other issues was the future profitability of the company with no analysis of the forecasts for this company. The last forecast had shown that breakeven was expected to be in 2023/24.

It was crucial that the extension of the cash that been proposed that linked to other conditions that had not been mentioned in the report and should be and unpins the proposal to extend the financing.

The Leader reminded Members that the Cabinet was still in the public domain and that Part 2 discussion were not acceptable without agreeing to move to part 2 discussion.

- The Cabinet Member for Finance noted that local site viability was an issue and there was a need to look at alternative sites. There needed to be a redirection and there is a need to move quickly so it could respond to local site availability. With regards to profitability this would be part of the upcoming business plan due to be presented to Cabinet, it was stressed that should this decision not be approved then it would be a disaster, these funds were for working capital to operate the business as well as a realignment of existing finances for funding new projects and that in respect of profitability the business plan was due in November.

The Member added that risks had not been shared with Members and were not properly analysed and that they needed to be, finally concern was raised over when the company would become profitable.

The Leader noted the comments made and noted that there were performance and risk schedules and 3 Rivers were included in the performance and risk reports.

RESOLVED: That

That it be agreed to increase the current loan agreements by a total of £2,280,784 to cover; the identified project overspends on 2 projects included in the previously agreed Business Plan funding envelope agreed on the 30 November 2021 and increased the working capital loan agreement. In addition, it be agreed that a transfer from a future projects budget of £0.58m in order for the business to work up new potential projects to replace the out of District projects that had to be removed from the company's business plan after changes to the Treasury's Public Works Loan Board loan arrangements.

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

(Cllr C Eginton, Cllr C Daw abstained, Cllr S Penny voted against and Cllr R M Deed, Cllr R J Chesterton, Cllr D Knowles, Cllr A Moore and Cllr C Slade voted in favour)

Reason for decision:

3 Rivers Developments Limited's (3Rivers) key aims are to: generate future returns in order to grow the business and to recycle monies made back to the Council to mitigate some of the cuts in Government funding, increase the level and quality of housing units within the District and look to help regenerate sites/areas in need of assistance.

56. **NOTIFICATION OF KEY DECISIONS**

RESOLVED: That the notification of Key Decisions be noted.

(The meeting ended at 11.30 am)

CHAIRMAN

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**COMMUNITY POLICY DEVELOPMENT GROUP
2 AUGUST 2022**

MID DEVON AS A TRAUMA INFORMED COUNCIL

Cabinet Member(s): Cllr Dennis Knowles
Responsible Officer: Simon Newcombe, Corporate Manager for Public Health, Regulation and Housing

Reason for Report and Recommendation: To provide a more detailed report to members about Mid Devon District Council (MDDC) becoming a Trauma Informed Council, with a trained trauma aware workforce, as requested by the Community Policy Development Group (PDG) held on 22 March 2022. This follows a recommendation of the PDG Working Group on Community Safety made at the meeting that the PDG investigate adopting this informal status and strategic approach as a Council.

Recommendations:

- 1. That Cabinet recommend to Full Council the degree of investment the Council would be required make towards becoming a Trauma Informed (TI) Council.**
- 2. Subject to Recommendation 1, that Cabinet recommend to Full Council a stepped approach is adopted, as set out in Annex 1**

Financial Implications: See Annex 1 – Trauma Informed Stepped Approach. This outlines some delivery costs (relating to training) over a two year period that would see the Council moving towards becoming a TI Council, as summarised below.

- Year 1 – estimated training costs (if using external training providers) - £9,000
- Year 2 – estimated training costs (if using external training providers) - £3,000
Option to train in-house trainers - £2,700 per person (x 3 = £8100)
- Year 3 onwards – estimated refresher training costs – £0 – if using ‘in-house’ trainers or free e-learning packages

The associated costs for staff time to attend training is not included. There will also be cost implications for key staff to lead on this work, coordinate and manage a delivery plan and arrange consultation sessions etc. (as outlined within Annex 1).

Budget and Policy Framework: There are on-going budget implications with regard to adaptations to the TI approach for frontline services, plus a need to incorporate TI within policies and working practices.

Legal Implications: None directly arising from this report.

Risk Assessment: There is a risk that if this approach is not approved that MDDC services do not suitably and satisfactorily accommodate the needs of our service users.

Equality Impact Assessment: To become Trauma Informed (TI) across the Council would require detailed analysis of our service provision to ensure that all customer interactions are mindful of the needs of our customers. Each service area would be required to consider service provision and complete a revised EIA for any revision to policy and processes.

Relationship to Corporate Plan: Adoption of a TI approach meets with the desire to be a progressive Council that is committed to providing a high quality and sustainable service. This modification to a TI service delivery links closely with the promise for local engagement and participation, supporting good health (because of improved understanding of barriers), promotes equality of service, and supports the values that are important to the Council. More information is provided in Section 2.0.

Impact on Climate Change: None directly arising from the report.

1.0 Introduction/Background

- 1.1 As requested by Members this report outlines the following points before providing a stepped approach option to becoming a Trauma Informed Council detailed in Annex 1.
- 1.2 Evidence is growing that demonstrates that large numbers of people in contact with public services have experienced traumatic events (Greenwald, et al., 2012). Equally, evidence is emerging that people who work in human services have a high prevalence of ACEs (Adverse Childhood Experiences) scores themselves (Esaki & Larkin, 2013).
- 1.3 For MDDC to transition into a TI Council it means prioritising the building of trusting, mutual relationships above all else.

2.0 How becoming Trauma Informed links to the Corporate Plan and Priorities

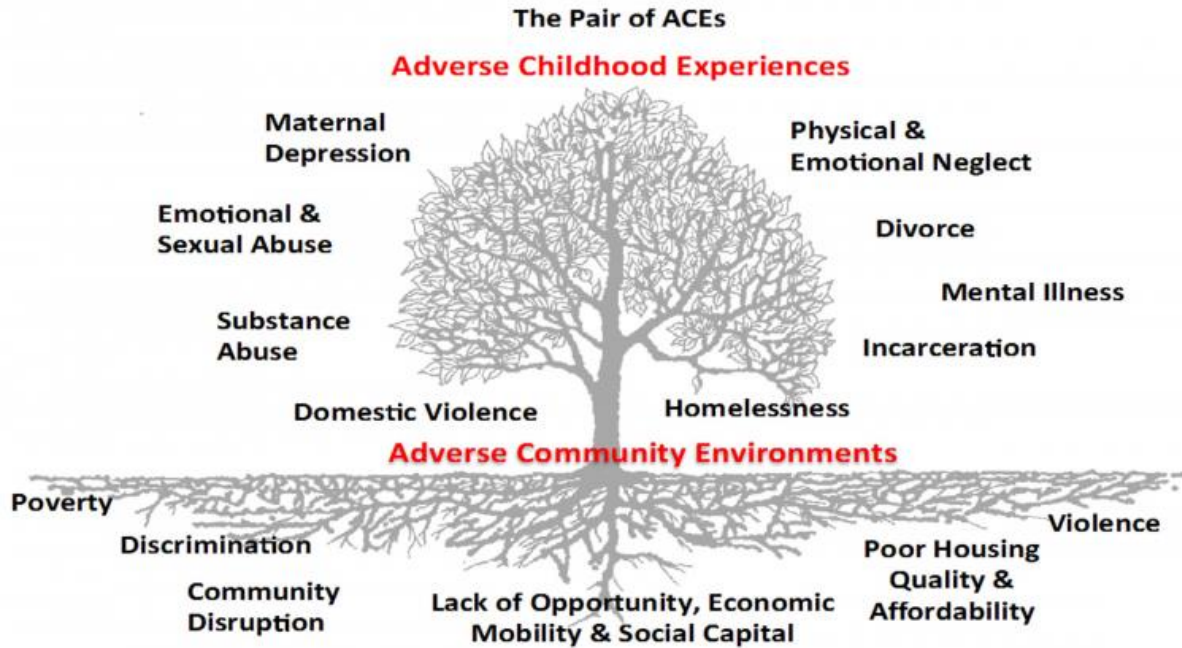
- 2.1 How becoming TI provides a wider synergy with the Council's Corporate Plan and Priorities are linked below:

Homes

- 'Support and grown active tenancy engagement' to ensure inclusivity of the most vulnerable within our tenants and communities.

Community

- ‘Promote new/more integrated approaches to promoting good health and healthier living, especially in the context of planned new developments’.
 - ‘Seek opportunities to address public health issues and disparities to improve the health and wellbeing of everyone in Mid Devon’.
 - ‘Promote community involvement in Council activity’
- 2.2 Adoption of a TI approach meets with the desire to be a progressive Council that is committed to providing a high quality and sustainable service. This modification to a TI service delivery links closely with the promise for local engagement and participation, supporting good health (because of improved understanding of barriers), promotes equality of service, and supports the values that are important to the Council.
- 3.0 **Why becoming TI is important**
- 3.1 The East & Mid Devon Community Safety Partnership (CSP) have recognised and prioritised trauma awareness within current work-streams. This links with many areas of work where trauma may play a part in activities that cause concern for many partner agencies. This includes sexual violence, domestic violence and abuse, modern slavery and human trafficking, drugs and alcohol abuse, and youth vulnerability and exploitation.
- 3.2 Experience of traumatic events in childhood (ACEs) is known to have lasting impact and most likely changes in the brains wiring as the individuals struggle to deal with what they have experienced. They may experience difficulty feeling safe within their personal life, and experience barriers to feeling safe or developing trusting in their relationships with service providers. We need to change our thinking from “*what is wrong with you?*” to “*what has happened to you?*”
- 3.3 For those perpetrating dangerous, abusive and traumatic experiences on individuals (including family members) there is strong likelihood that they may have had traumatic experiences relating to these areas in their own personal history.
- 3.4 The image below, entitled ‘A Pair of ACEs’, depicts the impact of Adverse Childhood Experiences (Ellis and Dietz 2017). It firmly links to the issues of homelessness, suitable and affordable housing, and opportunities of social and economic mobility, poverty, violence and discrimination. All of which fit within our Corporate Plan and Priorities.



3.5 The Scottish Government has recognised the important impact of trauma and has developed a National Trauma Training Programme with Online Resources to support organisations make a transition to becoming TI.

3.6 The link to the following 8-minute Video called *Opening Doors: Trauma Informed Practice for the Workforce* (<https://vimeo.com/274703693>) provides a good introduction to trauma and trauma-informed practice. It was created by NHS Education for Scotland and aims to support practitioners to understand how to adapt the way they work to make a difference to people affected by trauma and adversity.

4.0 **The benefits to Mid Devon and our community**

4.1 The potential benefits of a trauma informed organisation are:

- the individual and communities that we serve will feel that they are being listened to
- positive relationships will be formed and the Council/individuals are trusted
- people feel safe and supported
- problems or issues can be addressed before they escalate
- trauma cycles within families are reduced
- neighbourhood disputes and anti-social behaviour are reduced
- reduced tenancy breaches
- barriers to support services are minimalised
- the workforce is trauma informed and aware of the role of ACEs
- we support a preventative approach
- the organisation culture changes and adapts to being trauma informed
- leadership is based upon kind relationships that are safe and collaborative acknowledgement

5.0 Suggested Delivery Plan for TI at Mid Devon District Council

5.1 Annex 1 contains further detail regarding the delivery plan and timetable for a stepped approach to adopting an organisational shift to becoming a Trauma Informed Council.

6.0 Recommendations

6.1 The first recommendation for the PDG is that Cabinet recommend to Full Council the degree of investment the Council would be required make towards becoming a TI Council.

6.2 Subject to the first recommendation, the second recommendation is that Cabinet recommend to Full Council that a stepped approach is adopted as outlined in Annex 1 to become the first Trauma Informed Council in Devon.

Contact for more Information: Simon Newcombe, Corporate Manager for Public Health, Regulation and Housing snewcombe@middevon.gov.uk or Julia Ryder, Specialist Lead - Community Safety & Emergency Planning jryder@middevon.gov.uk

Circulation of the Report:

Cabinet Member for Community Well Being (Cllr Dennis Knowles)
Members of the Community Policy Development Group
All Leadership Team
All Corporate Management Team
All Operations Managers
Legal Services

Links to Policies

Corporate ASB and Housing ASB Policies
Housing Strategy for Mid Devon 2021-25
Safeguarding Policy
MDDC Equality Scheme (in progress) and include Equality Impacts

References and further information

Ellis, W., Dietz W. (2017). A New Framework for Addressing Adverse Childhood and Community Experiences: The Building Community Resilience (BCR) Model. Academic Pediatrics. 17, 86-99

Esaki, N., & Larkin, H. (2013). Prevalence of adverse childhood experiences (ACEs) among child service providers. Families in Society, 94(1), 31-37.

Greenwald, R., et al. (2012). Implementing trauma-informed treatment for youth in a residential facility: first-year outcomes. Residential Treatment for Children and Youth, 29(2), 141-53

Scottish Government tool-kit

<https://www.gov.scot/publications/trauma-informed-practice-toolkit-scotland/>

Plymouth City Council 2019 Cabinet paper

<https://democracy.plymouth.gov.uk/documents/s96851/2019%2006%2011%20-%20Trauma%20informed%20city%20cover%20sheet.pdf>

Plymouth Trauma Informed Network – Plymouth City Council Health & Wellbeing board paper 2021

<https://democracy.plymouth.gov.uk/documents/s108910/Trauma%20Informed%20Plymouth%20Update%20for%20HWB%20board%20002.pdf>

Annex 1

Mid Devon District Council Trauma Informed Stepped Approach

Step One – Becoming Trauma Aware

Establish a TI Delivery Group

This group will look to deliver this commitment of the Council in a timely manner and arrange for consultation with all MDDC service areas, and most importantly our Service Users.

- Terms of Reference to be agreed but recommended that this Delivery Group is led by a member of Corporate Management Team.
- Agree the methodology for delivering a TI Council
- Action Plan to be developed to consult with each service area, service users and partners.
- Ensuring staff and members are supported where discussions could be triggering
- Promotion of local support and services for signposting, linking to Safeguarding

Associated Costs – resourcing staff time

Step 1 Training			
Training Requirement	Services or Staff	Timeframe	Estimated Costs
General TI Awareness (Refresh every 2 years)	All Staff All Members	Within 6 months	Free e-learning
Broader Awareness Including links to ACEs One off	Service Consultation Group CMT Safeguarding Leads MSHT First Responders TI Delivery Group members	Within 6 months	Est £3000 if using external training providers Free e-learning, or In-house options available

Step Two – Becoming Trauma Sensitive

TI Delivery Group Activities

- Results of consultation with Service Areas and Customers will assist in identifying the areas where further TI development can lead to improved service delivery and improved customer service.
- Recommend appropriate policy change and integration of some concepts of trauma informed approach to operational ethos.
- Continuous reflective overview
- Ensuring staff and members are supported where discussions could be triggering

Associated Costs – resourcing staff time

Step 2			
Training Requirement	Services or Staff	Timeframe	Estimated Costs
Frontline Practitioner Training (suggested list at this point)	Revs & Bens x 29 Housing x 29 Customer First x 21 Public Health x 24 Total (estimate) 96	Within 12 months	½ day training with external providers Est £6000 total Free e-learning, or In-house options available
Frontline Practitioner Training on-going & for additional service areas identified	Estimated 50 staff	Within 18 months	½ day training Est £3000 total with external providers Free e-learning, or In-house options available
Refresh Training every 2 years	Estimated 150 staff	Within 24 months	2 hrs Free e-learning, or In-house options available
Trauma Informed Educators (<i>optional</i> but possibly more cost effective) i.e. Train Trainers in-house per service area	2-3 nominated staff (Source Rockpool Training)	Within 6-24 months	£2,700 pp 3x days

Step Three – Becoming Trauma Responsive

TI Delivery Group Activities

- Continued consultation with service users and service areas
- Adaptation of working practices in consideration of trauma
- Implementation of policy change to incorporate trauma
- Continuous reflective overview
- Ensuring staff and members are supported where discussions could be triggering

Associated Costs – resourcing staff time

Step 3 Training			
Training Requirement	Services or Staff	Timeframe	Estimated Costs
Trauma Informed Educators (<i>optional</i> but possibly more cost effective i.e. Train Trainers in-house per key service area)	2-3 nominated staff (Source Rockpool Training)	Within 12 months	£2,700 pp 3x days With external providers

Step Four – Trauma Informed

TI Delivery Group Activities

- Consideration of future format of group to link or merge with Corporate Safeguarding group
- Continue to promote the TI culture within the organisation, working practices and settings

Associated Costs – resourcing staff time

Step 4 Training			
Training Requirement	Services or Staff	Timeframe	Estimated Costs
On-going refresher training or appropriate training for new staff	All service areas		Free e-learning, or In-house options available

Resources

Local TI Training Providers providing services across the UK

- Zebra Collective, Plymouth
 - Trauma Informed Approaches
- Rock Pool, Torbay
 - ABC of Trauma Offers –
 - ½ day Awareness
 - 1 day Practitioner Training
 - 1 day Trauma Enhanced Training

Scottish Government – National Trauma Training Programme On-line Resources (FREE)

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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **CABINET** held on 22 September 2022 at 10.00 am

Present

Councillors R M Deed (Leader)
C J Eginton, D J Knowles and C R Slade

Apologies

Councillor(s) R J Chesterton, Mrs C P Daw, B A Moore and S J Penny

Also Present

Councillor(s) S J Clist, J Buczkowski and B G J Warren

Also Present

Officer(s): Stephen Walford (Chief Executive), Andrew Jarrett (Deputy Chief Executive (S151)), Richard Marsh (Director of Place), Maria De Leburne (Operations Manager for Legal and Monitoring), Jill May (Director of Business Improvement and Operations) and Sarah Lees (Member Services Officer)

57. **APOLOGIES**

Apologies were received from Councillors R J Chesterton, Mrs C Daw, B A Moore and S J Penny.

58. **PUBLIC QUESTION TIME**

The following question had been received by Mr Nick Quinn, a local resident:

My question Concerns the whole Agenda and the Meeting in General

It is my opinion that the documents to be discussed at this meeting were not made available and/or published for the legally required publication period.

Question 3: Can the Leader assure me that he is satisfied that the proper procedures have been followed for calling the meeting and that the required notice was given for all the documents to be discussed at this meeting?

Thank you

The Leader answered the question by stating that he was content all was in order.

59. **MINUTES OF THE PREVIOUS MEETING**

The minutes of the meeting held on 6th September 2022 were confirmed as a correct record and signed by the Leader.

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

There were no interests declared under this item.

61. **3 RIVERS DEVELOPMENTS LIMITED – FUNDING REQUEST (00:05:00)**

The Scrutiny Committee had met the previous day to discuss a decision which had been taken by the Cabinet on 6th September 2022 in relation to a 3 Rivers Development Limited Funding Request and which had been called in by the Chairman of the Scrutiny Committee.

The Scrutiny Committee had asked for the following comments to be passed back to the Cabinet for further consideration:

The Scrutiny Committee were of the opinion that the updates contained in the Cabinet papers of 6th September were of such significance that the Committee believed that they constituted a new business plan rather than a simple update and therefore the Committee recommended that Cabinet, before reaching a decision on further borrowing, ensured that the agreed due diligence and governance steps were carried out, namely that the business plan was reviewed by the Audit Committee and that they were given the opportunity to comment on any risks and mitigations and that the opinion of the Audit Committee would be taken into account when making any further lending decisions.

(Proposed by Cllr J Buczkowski and seconded by Cllr L J Cruwys)

Having considered the comments of the Scrutiny Committee the Cabinet gave consideration to:

- The Bank of England base rate increase from 2.25% from 1.75% due to be announced on 22nd September and the effect of this on 3 Rivers Development Company and its Loans.
- The effect of any subsequent delay in decision making monetarily.
- The revised Business Plan which would be presented to the Scrutiny and Audit Committees, as per the agreed procedure, in November 2022.

The Cabinet **RESOLVED** not to support the recommendation of the Scrutiny Committee and to remain consistent with its view taken on 6th September:

That it be agreed to increase the current loan agreements by a total of £2,280,784 to cover; the identified project overspends on 2 projects included in the previously agreed Business Plan funding envelope agreed on the 30 November 2021 and increased the working capital loan agreement. In addition, it be agreed that a transfer from a future projects budget of £0.58m in order for the business to work up new potential projects to replace the out of District projects that had to be removed from the company's business plan after changes to the Treasury's Public Works Loan Board loan arrangements.

(Proposed by the Leader)

(The meeting ended at 10.16 am)

CHAIRMAN

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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **SCRUTINY COMMITTEE** held on 21 September 2022 at 2.15 pm

Present

Councillors

S J Clist (Chairman)
G Barnell, J Buczkowski, L J Cruwys,
S Pugh, R F Radford, Mrs E J Slade and
A Wilce

Apologies

Councillor(s)

E J Berry, Mrs S Griggs and F W Letch

Also Present

Councillor(s)

Mrs E J Lloyd, Mrs C P Daw, R M Deed, C J Eginton,
B A Moore, B G J Warren and Mrs N Woollatt

Also Present

Officer(s):

Stephen Walford (Chief Executive), Andrew Jarrett (Deputy Chief Executive (S151)), Richard Marsh (Director of Place), Jill May (Director of Business Improvement and Operations), Paul Deal (Corporate Manager for Finance), Matthew Page (Corporate Manager for People, Governance and Waste), James Hamblin (HR Business Partner), Fiona Keyes (Operations Manager for Revenues Benefits & Recovery), Carole Oliphant (Member Services Officer) and Jessica Rowe (Member Services Apprentice)

22 **APOLOGIES AND SUBSTITUTE MEMBERS**

Apologies were received from Cllrs Mrs S Griggs, E J Berry and F W Letch who was substituted by Cllr J Buczkowski.

Cllr Mrs E J Lloyd attended via ZOOM.

23 **DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (0.03.18)**

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

24 **PUBLIC QUESTION TIME (0.03.38)**

Mr Quinn, a local resident stated:

Regarding Agenda Item 6 – Decision of the Cabinet: 3 Rivers Funding

1. The wording of the Cabinet Decision does not make it clear where the funds for the increased loans, of £2.28M, will come from.

Question 1: Will the increased loans be funded by a reallocation within the agreed budget funding of £19.66M for 2022/23 - or an addition to that sum?

2. The level of public interest in 3 Rivers, and this decision, is high. Based on the published report, the public asked Cabinet some very pertinent questions about this funding request.

Question 2: Why have Scrutiny Committee only been provided with a Minute extract which contains the answers given to most of the Public Questions - but does not contain any of the Questions they asked?

3. Public questions were asked about the lack of Audit and Scrutiny input to this loan request and Risk. The only statement regarding risk was given verbally, at Cabinet, by Cllr Moore - who said: "Were Cabinet not to approve these loans, to cease funding the projects prior to completion, there would be a sudden and significant threat to the Council's investment".

Given the gravity of that statement, the lack of any mention of risk in the published report suggests that risks are not being properly acknowledged.

Question 3: Will Scrutiny please include, in any recommendation to Cabinet, a request for a proper consideration of risk before any re-appraisal of this funding decision is undertaken?

4. In the Cabinet Minute extract before you, Cllr Moore states that 3 Rivers' projected spend for 2022/23, including the extra loans, would be considerably less than the total figure budgeted by Council. You should note that Cllr Moore's figures were only "projected" and were only given verbally - his words are unsupported by any published information.

Cllr Moore also forgot to mention that the Council approved this budget total, on the basis of an agreed Business Plan for 6 development projects – some of which are now not being undertaken - and that this funding request covers more than 10% of that approved total.

Question 4: Will Scrutiny Committee please consider, in their deliberations, whether sufficient, reliable, information has been put forward to justify this significant Cabinet key decision?

Mr Elstone, a local resident stated:

QUESTION 1

Do the majority of this Scrutiny Committee agree with business focused members of the General Public?

That MDDC are becoming INCREASINGLY and UNACCEPTABLY exposed to a risk of 3 Rivers SUBSTANTIAL BAD DEBT
Especially CONCERNING in these AUSTERE TIMES.

QUESTION 2

Why are MDDC Cabinet so easily prepared to lend a further near three million pounds to 3 Rivers and without an updated business plan in place?

Especially as it is understood that the revised Business Plan is due for release in October.

Additionally, without the results of the 3 Rivers Internal Audit being made available.

This with internal auditors being engaged on or before May 2022.

QUESTION 3

Can the Scrutiny Committee Members understand why members of the General Public find it totally unacceptable even outrageous that 3 Rivers supported by the MDDC Cabinet are wanting to borrow substantial additional funds due to the St Georges Court project overspend?

This given the extra funds to be in part used to pay for the construction of a parking court that has been completed yet does not have planning permission.

Additional funds that are it seems will be very likely to be added to the already seven hundred- and ninety-thousand-pound St Georges Court impairment amount.

QUESTION 4

Given the urgency in MDDC calling a special Cabinet Meeting tomorrow to discuss the out- come of this Scrutiny Committee Meeting with regards to 3 Rivers funding advance.

Can this Scrutiny Committee understand why members of the General Public now consider that 3 Rivers is a company in serious FINANCIAL DISTRESS and may even be trading INSOLVENTLY?

QUESTION 5

Will this Scrutiny Committee be minded to refer the 3 Rivers Funding request to a Special Full Council Meeting and as the MDDC Constitution, paragraph (i) of page 130 permits ?

This given the increasing concerns about the MDDC Cabinets apparent lack of proper due diligence in determining the full risk to lending a further substantial amount of funds to 3 Rivers and for the reasons given.

QUESTION 6

Do the majority of this Scrutiny Committee agree that 3 Rivers are causing MDDC significant reputational damage?

Reputational damage that the MDDC and 3 Rivers Shareholder Agreement said should not be allowed to happen.

Hannah Kearns, a local resident provided the following questions which were read out by the Chairman:

QUESTION 1

Given key purposes of the Scrutiny Committee are to “ensure the public are consulted where changes are proposed” and to “encourage public involvement by providing accessible information”.

CAN and WILL the Scrutiny Committee do anything to address the serious lack of OPENESS and TRANSPARENCY, including by way of incomplete or evasive answers to PUBLIC QUESTIONS or by way of no answers at all, in respect of MDDC’s business dealings with 3 Rivers?

This lack of transparency appears to have worsened over the last 2 years in line with MDDC's increasing exposure to very substantial, and potentially bad debt.

QUESTION 2

Is it appropriate that MDDC conceals just about anything of significance from the public in its dealings with 3 Rivers. MDDC appearing to hide behind 3 Rivers being a so-called "Arm's Length Company"? An assertion that is clearly at odds with the fact that MDDC is both the 100% shareholder of 3 Rivers, and by far and away its major, if not sole, creditor. (Currently £15 million pounds of credit extended and due to rise to £18 million if 3 Rivers latest funding request is fully agreed.)

QUESTION 3

Are the Committee Members aware that Croydon Council's Local Housing Company, Brick by Brick Limited, a 3 Rivers equivalent, was one of the main contributors to Croydon Council requiring a Section 114 notice and Government intervention, upon being brought to the verge of bankruptcy with Brick by Brick owing over £200 million to them?

Brick by Brick incurred gross project overspends and project delays, and operated with a lack of openness and transparency in not declaring the full extent of issues or taking recommendations fully on board.

Croydon Councils' Auditors – Grant Thornton – (the same auditors as retained by MDDC) stated that there was "Collective corporate blindness to both the seriousness of the financial position and the urgency with which actions needed to be taken".

Are the Committee aware that from the perspective of the general public, MDDC seem to be walking the same path?

QUESTION 4

Are Scrutiny Committee Members aware that several councils have wound up their Local Housing Companies, after various issues and concerns; amongst them Liverpool, Merton (Wimbledon), and East Devon?

The Chairman stated that all the questioners would receive a written response.

25 MINUTES OF THE PREVIOUS MEETING

The minutes of the last meeting were not approved and it was **RESOLVED** that:

The minutes of the meeting held on 25th July 2022 shall be amended at item 15 to include the exact form of the motion proposed and seconded as required by the Mid Devon constitution 20.2.

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

It was **AGREED** that the minutes would be amended and be brought back to the next meeting for approval.

26 CHAIRMAN'S ANNOUNCEMENTS (0.20.59)

The Chairman asked for Members involvement in an up and coming Participatory Budgeting spotlight review.

27 DECISIONS OF THE CABINET (0.21.59)

Call in – 3RDL Funding Request – By Cllr S J Clist - Chairman

At the Cabinet on 6 September 2022, Members considered the funding request that has been received from 3 Rivers Development Ltd.

Following discussion with various Officers, including a detailed conversation with the Monitoring Officer on Thursday 8 September, I am requesting that this item is called into the next Scrutiny meeting. I believe the Cabinet did not take the decision in accordance with the principles set out in Article 15 (Decision Making).

Reason for call in:

Principles of Decision Making –

- Consideration of alternative options. The report presented to Cabinet did not set out alternative options or the option not to proceed. Cabinet did not therefore consider all options or viable alternatives.
- The report presented to Cabinet did not fully consider the risks involved. There was no detailed analysis of financial risk or otherwise. The report was not presented to Scrutiny or Audit in advance of the decision.
- I am therefore asking that Cabinet reconsider the decision, taking into account alternative options and a full risk analysis.

Advice from the Interim Monitoring Officer:

I have received a request for Call-In from Cllr Simon Clist as Chairman of Scrutiny Committee, thus meeting the threshold in rule 19(f) of the Scrutiny Committee etc. Procedure Rules.

The overarching rules of call-in must still be observed, namely:

1. Call-in by Scrutiny should only be used in exceptional circumstances. These are where members of Scrutiny Committee have evidence which suggests that the Cabinet did not take the decision in accordance with the principles set out in Article 15 (Decision-making) (rule 19 preamble);
2. Members who wish to call-in a decision are required to seek guidance from the Monitoring Officer on the veracity of their stated grounds for the call-in and demonstrate that they have been mindful of the advice they have received when deciding whether or not to proceed (rule 19 (f)); and
3. When the relevant Cabinet minutes are put before the Scrutiny Committee, together with the advice from the Monitoring Officer on the grounds for the call-in, the councillors who called in the decision shall have the right to attend and speak (rule 19 (h)).

The principles of decision of decision-making – Article 15

Article 15.2 provides that all decisions of the Council will be made in accordance with the following principles:

- (a) Proportionality (i.e. the action must be proportionate to the desired outcome);
- (b) Due consultation and the taking of professional advice from officers;
- (c) Respect for human rights;
- (d) A presumption in favour of openness;
- (e) Clarity of aims and desired outcomes;
- (f) Consideration of any alternative options; and
- (g) The giving of reasons for the decision and the proper recording of those reasons

Call-In – 3 Rivers Developments Limited – Funding Request:

The above rules and principles apply. In this instance, from the reasons advanced, I can see that the first and primary reason put forward is that alternative options should have been considered (Article 15.2 (f)) i.e. the alternative option of not proceeding with the recommendation or viable alternatives. That is a principle of decision-making. As to whether the concern about alternative options for funding is an exceptional circumstance, I will leave that to the Committee. I would confirm that there is sufficient reason in accordance with the constitution for this decision to be called in.

There are other areas of concerns raised in the call-in that I will leave to be discussed by the Scrutiny Committee.

Discussion took place and consideration was given to:

- That the papers had been published within the 5 day requirement and the supplement papers had been published as a matter of urgency.

At this point the Committee wanted to discuss specific matters concerning the exempt information provided to the Cabinet and it was agreed that the matters would be discussed in closed session and therefore:

RESOLVED that under Section 100A(4) of the Local Government Act 1972 the public be excluded from the next item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 respectively of Part 1 of Schedule 12A of the Act, namely information relating to the financial or business affairs of any particular person (including the authority holding that information)

(Proposed by the Chairman)

Note: Cllr A Wilce requested that his vote against the decision be recorded.

Returning to open session the following was considered:

- A reminder of the decision made by the Cabinet
- The risks that were considered as part of the decision
- Alternative options considerations made by the Cabinet
- The lending funding levels
- That the Cabinet, with input from the Scrutiny and Audit Committees had previously agreed to 33 recommendations to ensure that tight governance was in place with the Council's dealings with 3 Rivers Developments Ltd

It was therefore **RESOLVED** that: The Scrutiny Committee were of the opinion that the updates contained in the Cabinet papers of 6th September were of such significance that the Committee believed that they constituted a new business plan rather than a simple update and therefore the Committee recommended that Cabinet, before reaching a decision on further borrowing, ensured that the agreed due diligence and governance steps were carried out, namely that the business plan was reviewed by the Audit Committee and that they were given the opportunity to comment on any risks and mitigations and that the opinion of the Audit Committee would be taken into account when making any further lending decisions.

(Proposed by Cllr J Buczkowski and seconded by Cllr L J Cruwys)

Note:

- A proposal that the decision by the Cabinet was accepted was not supported (Proposed by Cllr R F Radford and seconded by Cllr Mrs E J Slade)
- Cllr S J Clist requested that his abstention from voting be recorded.

28 **ESTABLISHMENT 6 MONTH UPDATE (2.04.59)**

The Committee had before it, and **NOTED**, a *report from the Corporate Manager for People, Governance and Waste providing the 6 month Establishment update.

The Officer outlined the contents of the report and stated the increased lost days due to sickness, turnover and the increased vacancies.

Consideration was given to:

- The amount of vacancies nationally and the shortage of key workers
- A pay offer was being negotiated
- Staff engagement and development
- Skills analysis
- Whether the recruitment process could be improved
- The apprenticeship scheme was a credit to the council
- There were regular meetings with South West Councils to share best practice

Note: *report previously circulated and attached to the minutes

29 **COLLECTION OF DEBT**

The Committee had before it, and **NOTED**, a *Collection of Debt report from the Corporate Manager for Revenues, Benefits, Corporate Recovery, Planning (DM) and Corporate Fraud.

The Principal Officer for Revenues and Benefits outlined the contents of the report and stated that the collection of debt was governed by statute.

She explained that the Council was in the upper quartile of neighbouring districts and that every effort was made to contact customers before any enforcement action was taken.

Consideration was given to:

- Vulnerable customers were referred to welfare officers
- There was a balance in supporting customers and collecting the Council's debt.

It was agreed the Cllr G Barnell would liaise with officers to investigate the service and explore options that he would bring an update report back to Committee for consideration.

Note: *report previously circulated and attached to the minutes

30 **PLANNING CONSULTANTS (2.32.41)**

The Committee had before it, and **NOTED**, a *report from the Director of Place regarding Planning Consultants.

The Officer explained that the report had been prepared at the request of the Committee and that generally the Council employed consultants to carry out the best possible work.

He explained that there was an absolute shortage of skilled staff and that although the Council had joint working with Building Control, this hadn't alleviated the staff shortage issue.

He further explained that the Council would continue to grow talent through apprenticeship schemes and upskilling local residents.

Note: *report previously circulated and attached to the minutes

31 **PLANNING ENFORCEMENT WORKING GROUP RECOMMENDATIONS - UPDATE (2.46.42)**

The Committee had before it and **NOTED**, the *Planning Enforcement Officer Review of Recommendations report.

The Director of Place introduced the report and stated that it was a positive situation and that the team were working well. He agreed to bring a further update to Committee in 3 months time.

Note: *report previously circulated and attached to the minutes

32 **EXAMINE THE SERVICE BEING PROVIDED BY THE LEGAL DEPARTMENT (2.50.46)**

The Chairman advised the Committee that he had deferred the item and that if Members wished to have an item added to the agenda that he expected a written report to be provided which outlined the matters to be discussed and a background of the item.

33 **WORK PROGRAMME (2.53.28)**

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

The Scrutiny Officer gave the following updates:

- Bio-energy industry: The Chairman has requested that the Policy/Research Officer explore the option to visit an anaerobic digester plant. Further details will be sent by email.
- Spotlight Review on Participatory Budgeting: an all member email has been sent out to ask for other members to join the review group.

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

(The meeting ended at 5.13 pm)

CHAIRMAN

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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **AUDIT COMMITTEE** held on 27 September 2022 at 5.30 pm

Present

Councillors

N V Davey (Chairman)
J Buczkowski, W Burke, Mrs C Collis, R L Stanley, A Wyer
and B G J Warren

Apologies

Councillors

R Evans and Mrs N Woollatt

Present

Officers

Matthew Page (Corporate Manager for People, Governance and Waste), Paul Deal (Corporate Manager for Finance), Paul Middlemass (Audit Manager) and Sarah Lees (Member Services Officer)

27. **Apologies**

Apologies were received from Cllr B Evans and also Cllr Mrs N Woollatt who was substituted by Cllr B Warren (via Zoom).

28. **Public Question Time**

Mr Paul Elstone asked the following questions in respect of items 6 and 7 on the agenda:

QUESTION 1

The Grant Thornton Audit Plan, as provided to the Audit Committee in June of this year, assessed that there was "Significant risk of Material Misstatement of the GROUP Financial Statements".

MDDC Cabinet have just agreed to lend 3 Rivers an additional £2.3 million to cover overspends on two projects.

Given the fact that Cabinet threw out a Scrutiny Committee recommendation this in the form of a resolution to have a risk review carried out by the Audit Committee and that these loans are, I believe, are well below market rates, where an impairment is in place, which may leave MDDC open to accusations of anti-competitive Government Support.

Will this have any impact on Grant Thorntons Audit Plans?

QUESTION 2

I ask this question based on the principle of continuous improvement, and in the context of the exactness of MDDC Internal and External Audits.

For necessary background, The MDDC Grant Thornton Audit Risk Assessment 2021/2022 asks the following questions:

“Are you aware of any instances of actual, suspected or alleged fraud, errors or other irregularities either within Mid Devon District Council as a whole or within specific departments since 1 April 2021?”

MDDC responded:

“Housing received one fraud case for 2021. This is currently being investigated by the Neighbourhood Team Leader”.

Also,

“Are there any areas where there is a potential for misreporting?”

MDDC responded:

“It is our assessment that it is extremely unlikely that misreporting would take place”.

With these statements in mind

I ask that, given these MDDC Management Responses, will this Audit Committee supported by both Grant Thornton and the Devon Audit Partnership, please investigate why MDDC Executive Officers failed to declare that a serious and formal fraud allegation had been made during the audit period?

The allegation in question was that an MDDC Senior Officer purposely misrepresented facts to a Property Developer in relation to a land purchase deal that MDDC required to progress promptly, for MDDC’s financial gain and ultimate benefit. This alleged misrepresentation of fact by the MDDC Officer caused the Property Developer to incur substantial financial loss.

This alleged misrepresentations amounted to fraud, as defined in Section 2 of the Fraud Act 2006, and has the ongoing potential to form the basis of a civil compensation claim against MDDC for SUBSTANTIAL loss.

It is known, beyond all doubt, that every one of MDDC Executive Management Team, the MDDC Council Leader, and the MDDC Cabinet Members for Finance and Planning knew of the fraud allegation.

Furthermore, documents obtained following a Freedom of Information request appear to show that some of these individuals may be implicated in the fraud.

For the avoidance of any doubt, I refer the Auditors to the Minutes of the Scrutiny Meeting of 17th January 2022 at which Scrutiny Committee Members expressed concerns that allegations of fraud did not appear to be investigated internally, asking for clarification on the internal investigation process – See minutes of meeting.

The MDDC Executive Officer for Business Improvement stated there was an MDDC internal escalation process and for referral to the Devon Audit Partnership.

HOWEVER just 4 days later, in a letter dated 21 January 2022, the MDDC Monitoring Officer tells the person making the allegation that:

“As the key Senior Officer has left the Council, it is clear that there would now be little, if any benefit, in conducting an investigation”.

It is true that senior officer left MDDC not long after the allegation was made in what would seem to be highly questionable circumstances given the timing, however it is clear that the facts at the centre of the allegation are still very much of concern to MDDC in terms of exposure both internal and external.

The Chairman stated that Mr Elstone was making a statement rather than asking questions but if he submitted the questions in writing he would receive a written reply.

Having submitted the question in writing above, the following replies have been provided to Mr Elstone’s questions by the Deputy Chief Executive (S151):

Question 1

The answer is 'No'.

Question 2

We were informed of an unsubstantiated fraud allegation by a resident – who has been asked on numerous occasions to provide evidence to us or the relevant authorities and no information has been forthcoming – therefore there was no need/requirement to update the Committee.

Note: Cllr R L Stanley declared a Disclosable Pecuniary Interest in that he was a Director of the 3 Rivers Development Company Ltd. and from this it was inferred that should any discussion ensue he would need to leave the meeting.

29. **Declaration of Interests under the Code of Conduct**

No interests were declared under this item.

30. **Minutes of the previous meeting (00:10:00)**

The minutes of the meeting held on 2 August 2022 were confirmed as a true record and signed by the Chairman.

31. **Chairman's Announcements (00:11:00)**

The Chairman had the following announcements to make:

1. It was acknowledged that the agenda for the next meeting on 22 November 2022 was going to be rather heavy and that a special meeting may be needed.
2. He had recently attended a South West Audit Chairman's Partnership meeting online which had been useful.

32. **Internal Audit Progress Report (00:12:00)**

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 which included two internal audit reports undertaken since the last meeting:

Housing Care Service Alarms Follow Up

- This audit had been given a 'Reasonable Assurance', however, it was pointed out that much work had been put in by the Commercial Service's Manager to address the level of issues found within the audit.
- Better processes were now in place to rectify faults.
- Overall there was an opportunity to grow the service.
- There would be a focus on addressing the necessities needed first then a look towards the income opportunities.

Climate Change

- This had also been given a 'Reasonable Assurance' opinion.
- Everything was being done to try and meet the net zero targets, however the targets were very challenging
- A number of management actions had been agreed which were contained within the report.

Further updates were included as follows:

- The number of old recommendations continued to be at low levels.
- A Cyber Security Audit was just being finalised and a Leisure Centres audit would be commencing shortly.
- A Fraud Prevention Detection exercise was being conducted by Devon County Council.

Consideration was given to:

- The extent of the loss of income from the Care Alarm System in recent years, however, there would be a focus on income generation going forwards.
- Whether there was any merit in re-installing the machine in the reception area of Phoenix House for residents to pay bills? It was explained that Direct Debit was the best method of paying the Council. However, it was also explained that this could be done over the phone and on-line. There was also still a facility to pay with cash on site. Cheques were not the preferred method of payment but there was still an option available to do this.
- Customer satisfaction rates in relation the Development Management audit.

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

33. **External Audit Progress Report (00:30:00)**

The Committee received, and **NOTED**, a verbal update from Grant Thornton as the Council's external auditors regarding progress with their work for the 2021/2022 audit.

- Grant Thornton had just commenced the Financial Statements Audit, no issues of concern had been identified thus far. The certification of the Housing Benefits Claim was also looking positive.
- They were facing challenges as a firm regarding what was happening nationally therefore there were some concerns about meeting deadlines which they had spoken to the Council about, however, bringing in more resources would help to achieve the November deadline.
- The challenges facing Grant Thornton in terms of resourcing and timescales would also have a knock on effect to the Council.

34. **Identification of items for the next meeting (00:37:00)**

In addition to the items already included within the work programme for the Audit Committee the following was identified as an agenda item that should come to a future meeting:

- Planning Appeals (possibly January 2023 given the Committee workload for November 2022).

(The meeting ended at 6.13 pm)

CHAIRMAN

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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **ENVIRONMENT POLICY DEVELOPMENT GROUP**
held on 11 October 2022 at 5.30 pm

Present

Councillors

J Wright (Chairman)
E J Berry, W Burke, Miss J Norton,
R L Stanley and B G J Warren

Apologies

Councillor(s)

R F Radford and L D Taylor

Also Present

Councillor(s)

D R Coren, S J Clist, L J Cruwys, 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), Darren Beer (Operations Manager for Street Scene), Jason Ball (Climate and Sustainability Specialist), Luke Howard (Environment and Enforcement Manager), Clare Robathan (Policy and Research Officer) and Carole Oliphant (Member Services Officer)

27 **APOLOGIES AND SUBSTITUTE MEMBERS (0.02.36)**

Apologies were received from Cllr R F Radford and Cllr L D Taylor.

Cllr D R Coren attended via ZOOM.

28 **DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (0.02.57)**

Members were reminded of the need to make declarations where appropriate

29 **PUBLIC QUESTION TIME (0.03.13)**

There were no members of the public present

30 **MINUTES OF THE PREVIOUS MEETING (0.03.42)**

The minutes of the meeting held on 19th July 2022 were agreed as a true record and duly **SIGNED** by the Chairman

31 **CHAIRMAN'S ANNOUNCEMENTS (0.04.28)**

The Chairman had no announcements to make

32 **CABINET MEMBER FOR ENVIRONMENT AND CLIMATE CHANGE UPDATE (0.04.38)**

The Cabinet Member for the Environment and Climate Change gave an update on his portfolio and stated the 3 weekly bin collections had commenced and gave thanks to the crews and officers for their work in rolling out the service. He confirmed that 95% of black bins and seagull sacks had been delivered and that black bin liners left out during the initial stages of the changeover would be collected and crews would educate the public on the best ways to recycle.

An options paper to introduce weekly recycling would be brought to the PDG and Members were advised to contact Street Scene if residents reported that seagull sacks or bins had not been received. A decision had been made early on to provide 180 litre black bins and this would be more than adequate for most households if they increased their recycling rates.

In addition the Cabinet Member reported that 180 abandoned vehicles had been solved and dealt with during the last period.

In response to a question asked he confirmed that the 2 weekly garden waste service would remain over the winter period as this was a paid for service.

33 **CLIMATE CHANGE ACTION PLAN UPDATE (0.11.43)**

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 report before Members was a more concise version which excluded repetition. It included Audit recommendations and action plan as well as the Climate Action Plan update. Options for the progress of electric vehicle car charging had been included and the officer asked for a steer from the Group on which way they would like officers to investigate.

The officer highlighted the increase in Council's carbon footprint by circa 3k tonnes per annum in 2021-2022 and gave the following reasons for the increase:

- A much higher spend than the previous year on carbon neutral projects
- More energy use in buildings due to required ventilation during the pandemic

He highlighted some positives:

- 53% of the Council's electricity consumption was certified renewable
- Hybrid working had reduced business travel and staff commuting
- 10 electric vehicles to be delivered to the Council's transport fleet in December
- New low carbon energy systems were being installed in the Leisure Centres

Consideration was given to:

- 5 new sites had been identified for additional electric vehicle charging points across the Council's car parks in Tiverton, Cullompton and Crediton which would provide 10 rapid charge points (5 sites with 2 charging bays each)
- The charge points operator/ supplier will use 100% renewable electricity

- Solar panels on Council houses might have life spans of 25 years but would lose efficiency over time but this would be looked into
- The stakeholder engagement for the Hydro Scheme was ongoing
- The website signposted individuals to groups and organisations with regard to sustainable farming
- Officers would investigate whether information regarding grants for energy usage and energy saving could be provided on the website
- As noted in Audit there were opportunities for progressive procurement linked to training

In response to officers request to highlight preferred green travel options Members responded that a mixture of options A & B should be explored but further research would be required. Members also expressed a concern that communities within the district may not be of such a size that any of the options would be viable.

Note: * report previously circulated and attached to the minutes

34 **ENVIRONMENT ENFORCEMENT UPDATE REPORT - Q1 (0.50.48)**

The Group had before it, and **NOTED**, a *report from the Environment and Enforcement Manager providing the Q1 report for the Environment and Enforcement service.

Members were pleased to be informed that District Officers had been provided with body worn cameras for personal health and safety but were concerned that the devices could not be used to capture evidence of crimes and general surveillance. Corporate Manager for People, Governance and Waste clarified that although the cameras were procured on the basis of strengthening individual officer health and safety, footage gained from the cameras could potentially be used as long as it was compliant with GDPR guidance. The officer stated there was another paper due to come for quarter 2 in November and the position would be clarified at this meeting.

Members requested that officers look at providing receptacles for chewing gum disposal on lamp posts in the town centres.

In response to questions asked the Environment and Enforcement Manager explained that on average the time a Penalty Charge Notice (PCN) was issued to a warrant being obtained to collect payment was 4 months but this timeframe was set in legislation and not under the control of the Council. Members requested more frequent reporting of the number of PCN's issued where payment had yet to be received.

Note: *report previously circulated and attached to the minutes

35 **WORK PROGRAMME (1.18.11)**

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

The Policy and Research Officer provided an overview of area's in which the Group had previously requested items be added to the work plan and requested a steer on which projects to take forward.

The Group agreed that the following be further investigated:

- Cycling and Walking Routes – Members requested that officers produce a cost benefit analysis to explore if routes were financially viable with the intention that a working group be set up to explore further possible options. It was noted that the Economy PDG were also looking at possibilities with the Forward Planning team so it may require a joint approach from both PDG's.

Members requested that the following be considered for a future item:

- Water quality in the districts rivers – was effluent being routinely discharged into our water courses and was the river quality as good as it could be. The Environment Agency and South West Water would be invited to attend a future meeting of the PDG to discuss the issue.

Note: *Plan previously circulated and attached to the minutes

(The meeting ended at 7.03 pm)

CHAIRMAN

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **HOMES POLICY DEVELOPMENT GROUP** held on 28 September 2022 at 2.15 pm

Present

Councillors

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

Also Present

Councillors

L J Cruwys, R M Deed and S J Penny

Present

Officers

Jill May (Director of Business Improvement and Operations), Simon Newcombe (Corporate Manager for Public Health, Regulation and Housing), Mike Lowman (Building Services Operations Manager) and Sarah Lees (Member Services Officer)

27 **Apologies and Substitute Members**

There were no apologies for absence.

28 **Public Question Time**

There were no questions from members of the public.

29 **Declaration of Interests under the Code of Conduct**

No interests were declared under this item.

30 **Minutes**

The minutes of the meeting held on 26 July 2022 were approved as a correct record of the meeting and signed by the Chairman.

31 **Chairman's Announcements (00:05:00)**

The Chairman informed the Group that the recommendation they had made at their last meeting regarding the purchase of houses for multiple occupation had been considered thoroughly by the Cabinet. However, the Cabinet had decided to purchase two houses rather than one. Despite this, the deliberations of the Homes Policy Development Group had been much appreciated and welcomed.

32 **Mid Devon Housing Service Delivery Report (00:12:00)**

The Group received, and **NOTED**, a report * from the Corporate Manager for Public Health, Regulation and Housing providing an update to Members on enforcement

and other activity undertaken by Mid Devon Housing. This included the following information:

- The report provided a summary of results in relation to key performance indicators, including voids and debt recovery.
- The Government had mandated that new Tenant satisfactory measures be reported upon and this applied to anybody providing social housing. This would be a focus for the Regulator in the future.
- There was a challenge for the Council at the current time in terms of staff recruitment and retention. This was being experienced across the sector.

Consideration was given to:

- The effectiveness of the Devon Home Choice (DHC) Allocations system. It was explained under the new regulatory regime that any provider having over a 1,000 properties to rent out will be required to have an open, fair and transparent allocation system which DHC already provides. There had to be a level playing field providing vital assurance that all was fair. There could be issues with bandings which could be looked at on an individual basis. Have a regional approach was also supported by the larger Housing Associations who joined DHC on this basis which ultimately provides more choice for tenants.
- Despite the pressures within the service the Group were reassured that issues were prioritised in terms of health & safety, repairs and maintenance.
- The complexity of multiple debt issues experienced by tenants given the current cost of living crisis and the effect of having to deal with this on the Neighbourhood officers. It was explained that officers were trained and worked with third parties such as CAB, CHAT and DWP, however, there were pressures.
- Possession numbers increasing. Every effort was made to engage with Tenants before things escalated but sometimes this was not possible and there was no option but to refer matters to the court. This was always used as a last resort.
- Assessing numbers of staff within the specialist team was always under review, however, there were financial implications to consider in terms of additional recruitment and training costs.

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

33 **Briefing on the Social Housing (Regulation) Bill and changes to Social Housing Regulatory Regime (00:55:00)**

To Group received, and **NOTED** a report * from the Corporate Manager for Public Health, Regulation and Housing providing an update to Members of the PDG on the Social Housing (Regulation) Bill which will reform the regulation of social housing; and which will set out the terms of approved schemes for the investigation of housing-related complaints. This paper also provided some information on the subsequent report of the Levelling Up, Housing and Communities Committee report, published on 20 July 2022 alongside an informal presentation by the Social Housing Regulator in August 2022.

The following was highlighted within the report:

- The report provided a summary of the changes to the Social Housing Regulatory regime. It would be much more proactive in terms of striving for tenant engagement and satisfaction going forwards and would also provide more guidance to housing providers.
- The changes had been driven out of the Grenfell Tower disaster.
- Tenants needed to be listened to.
- Early proactive engagement with the Regulator had already been undertaken and would continue to ensure all staff, tenants and Members were consulted on a way forward.

The Corporate Manager for Public Health, Regulation and Housing was thanked for his explanation of the new Bill, his hard work and his proactiveness in working with the Regulator at an early stage.

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

34 **Homes for Ukraine Scheme - update (01:14:00)**

The Group received a presentation from the Corporate Manager for Public Health, Regulation and Housing which provided summarised information in relation to the following:

- Role / focus of Local Authorities on the Homes for Ukraine Scheme (HfU)
- HfU scheme funding
- Funding arrangement in place with Devon County Council
- HfU scheme roll-out
- Local Mid Devon delivery team
- Latest Mid Devon position
- Requirements & challenges
- Current position – wraparound support
- Housing and other risks
- Next steps: re-settlement work
- Team Devon Approach
- Short and long-term solutions
- Support examples

Consideration was given to:

- The Corporate Manager for Public Health, Regulation and Housing was congratulated for his thorough and comprehensive update on the Homes for Ukraine Scheme and the amount of work that he and his team were undertaking.
- The family scheme was proving to be the most challenging but much was being done to provide support and signpost to other helpful agencies.
- Concerns that the crisis in Ukraine was far from over and may well get worse.
- The complexities in having to support individuals and families experiencing trauma.
- Was the scheme sustainable? What support was being given by central Government? It was confirmed that the Government were continuing to look at

the scheme very closely, however, due to recent national events, such as the election of a new Prime Minister, the energy crisis and the economy, the scheme appears to have been put on the backfoot somewhat. Team Devon were expressing their frustrations at a high level.

- Mid Devon Tenants were able to take in Ukrainian guests but would need fully assessing first and permission from Mid Devon as the landlord.

35 **Identification of items for the next meeting (02:00:00)**

In addition to the items already listed in the work programme for the next meeting the Group requested that they receive an update in relation to the following at a future meeting:

- Consideration of the current Mid Devon Housing Development Plan and the Housing Needs Assessment jointly and the possibility of setting up a working group to assess the issues further.

(The meeting ended at 4.25 pm)

CHAIRMAN

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **COMMUNITY POLICY DEVELOPMENT GROUP**
held on 27 September 2022 at 2.15 pm

Present

Councillors

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

Apologies

Councillor(s)

W Burke and R Evans

Also Present

Councillor(s)

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

Also Present

Officer(s):

Jill May (Director of Business Improvement and Operations), Andrew Busby (Corporate Manager for Property, Leisure and Climate Change), Lee Chester (Operations Manager Leisure Services), Clare Robathan (Policy and Research Officer), Carole Oliphant (Member Services Officer) and Jessica Rowe (Member Services Apprentice)

23 **APOLOGIES AND SUBSTITUTE MEMBERS (0.02.47)**

Apologies were received from Cllrs R Evans and W Burke.

24 **DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (0.02.59)**

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

25 **PUBLIC QUESTION TIME (0.03.08)**

There were no questions from members of the public present.

26 **MINUTES OF THE PREVIOUS MEETING (0.03.18)**

The Minutes of the Meeting held on 2nd August 2022 were approved as a correct record and **SIGNED** by the Chairman.

27 **CHAIRMANS ANNOUNCEMENTS (0.03.44)**

The Chairman informed the Group that item 7 on the agenda would be deferred until the January 2023 meeting as the lead Member was not able to speak to the item having given apologies.

28 **ACCESS TO INFORMATION - EXCLUSION OF PRESS AND PUBLIC (0.06.30)**

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

RESOLVED that under Section 100A(4) of the Local Government Act 1972 the public be excluded from the next item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 respectively of Part 1 of Schedule 12A of the Act, namely information relating to the financial or business affairs of any particular person (including the authority holding that information)

(Proposed by the Chairman)

29 **6 MONTH LEISURE - UPDATE (0.08.36)**

The Group received a Leisure Service update from the Operations Manager Leisure Services by way of a presentation highlighting:

- Recruitment and retention of staff
- Business performance
- Service challenges
- Service deliverables

The meeting then returned to open session.

Note: Councillor R J Dolley made a personal declaration as he was a trustee of Old Heathcote School Community Centre

30 **TERMS OF REFERENCE FOR A REVIEW INTO EFFECTIVE INTEGRATION OF NEW RESIDENTIAL COMMUNITIES (0.08.36)**

This item was deferred until the January 2023 meeting of the Group

31 **WORK PROGRAMME (0.08.36)**

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

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

(The meeting ended at 3.57 pm)

CHAIRMAN

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **ECONOMY POLICY DEVELOPMENT GROUP** held on 29 September 2022 at 5.30 pm

Present

Councillors

J M Downes (Chairman)
Mrs C Collis, N V Davey, Mrs S Griggs, J Wright and
S J Clist

Apologies

Councillor(s)

J Buczkowski and R F Radford

Present

Officer(s):

Richard Marsh (Director of Place), Adrian Welsh (Strategic Manager for Growth, Economy and Delivery) and John Bodley-Scott (Economic Development Team Leader)

16 Apologies and Substitute Members

Apologies were received from Cllr R Radford and Cllr J Buczkowski who was substituted by Cllr S Clist.

17 Public Question Time

None received.

18 Declaration of Interests under the Code of Conduct

No interests were declared under this item.

19 Minutes

The minutes of the meeting held on 26 May 2022 were confirmed as a true and accurate record and signed by the Chairman.

20 Chairman's Announcements

The Chairman invited the Director of Place to provide a brief update on the junction 27 project, to which the Director of Place explained that work had been due to be completed in September 2022, however, conversations with Eden had taken place regarding the masterplans and hoped that more details would become available at scheduled meeting with Eden.

The Chair thanked the Director of Place for their comments and agreed that it would be beneficial for Eden to attend an Economy PDG meeting. The Chair asked the Director of Place if the group could be updated on the shared prosperity fund, to which the Director of Place explained that item 7 of the agenda covered the shared prosperity fund and an update could be given then.

21 New Tiverton Shopfront Enhancement Scheme

The Group received a report of the Director of Place, which informed Members about the new Tiverton Shopfront Enhancement Scheme launching in October / November 2022. An Officer highlighted the following points:

- There had been a shopfront scheme that ran till 2020 until the funding was exhausted. Due to the pandemic a relaunch of the scheme was delayed. The proposed relaunch of the scheme and would use S106 funds already earmarked for this scheme.
- This scheme was originally for the front of buildings only but had but this had been changed to include public facing parts of the building in order to help improve the look of the buildings overall and to support footfall within the town centre.
- It would be an open application process but would be assessed based on the criteria of the scheme and passed in front of a Panel for approval. Grants would cover up to 50% of the work, with a maximum grant of £2,500.
- Depending on funds, the scheme would last for 3 years with the first year capped to spend no more than £15,000 of the budget.
- A Communication plan had been written and was due to be released upon approval of the scheme.

The Chair thanked the officers for their presentation and opened the floor to Members for questions, which were as followed:

- A Members noted that the £31,000 budget for the scheme did not seem to be a significant amount and asked if an assessment had been carried out to ascertain the amount required to get the high street to a suitable standard. An Officer explained that the scheme budget had not been based on how much was needed to get the high street to a certain standard but was more of an encouragement to keep the high street as attractive as possible and that it was more of an enhancement rather than a complete refurbishment of the high street.
- A Member of the Group sought clarification over whether these funds covered structural work or was more for signage. An Officer explained that that these funds could be used for signage ensuring that it was in line with historic features.
- A Member of the Group asked how this scheme would be communicated, to which an officer informed the Group that suggestions would be welcomed on how best to approach shop owners . The Director of Place had reassured that officers were liaising with town centre officers regarding the delivery of the scheme.
- A Member of the Group raised that the scheme was to keep shops in keeping, but raised the point that there was a mixture of old and new shopfronts and questioned how this would be balanced. An officer confirmed that this would be decided by the conservation officer's assessment or through other balanced assessments.
- The Chair noted that it was a modest amount and that there may need to be a terms of reference for the funding panel. In addition, there may be other schemes that could supplement this scheme as opposed to being seen as a standalone scheme.

- Raised by a Member of the Group it was asked if there could be at least three Ward Members on the Funding Panel, to which an officer noted that previously there were three Ward members on this panel and that 3 was a good number for this panel.
- A Member raised the point that there were a lot of shops within the area the scheme covered.

RESOLVED to recommend: That the new Tiverton Shopfront Enhancement Scheme be approved and three Tiverton Ward Members be nominated to be part of the Funding Panel for the Scheme.

(Proposed by the Chairman)

22 Economy Development Team update

The Group received a report from the Director Place which provided an update on the latest economic statistics from the Economic Development Team. An officer highlighted the following points:

- Economic unemployment had stayed at 1.9% which was still higher than pre pandemic levels.
- Two job fairs had been conducted, which included opportunities for Ukrainian guests. There were people who had gained jobs from these job fairs, with one more job fair organised for October 2022.
- The work of the team over the last few months had mostly been towards gaining bids, with a bid submitted on time for the levelling up fund, with results announced in the autumn spending review. In addition, the shared prosperity fund was submitted on time but no feedback had yet been received and was due to start in October 2022.
- There were number of work programmes from this, once approved these bids would fund programmes such as: an umbrella scheme called 'love your town centre' which would include a number of programmes over a three year period, these would be used for Crediton, Tiverton and Cullompton and would support vacant shops. Some funding for events and activities would be used to enhance highstreets and support for businesses wanting to use digital marketing. However, there was no launch date for these programmes as funding was yet to be approved.
- Field to fork was a programme which supported local producers to sell directly to consumers which would help shorten the supply chain. This would also support food tourism with Mid-Devon.
- Visitor economy included a number of projects such as better signage throughout the district to encourage visitors to Mid-Devon. There was a proposal for a pilot walking festival in the 3rd year to be held across the district. The majority of the money had bene planned to go towards local businesses, supporting work hubs (flexible working) to help encourage rural facilities such as community halls to support this and develop what work hubs could offer.
- There was an intention for a grant scheme for business innovation to be delivered. These grants would help businesses get to the next stage of their development, with an intention for a business innovation centre to be created.

- Skills support and training for people for the future labour market was estimated to be introduced in 2024/25. This considered inequalities within employment with the aim to develop skills to support initial employment. It was hoped that this work programme could be deployed once funding was approved.
- A rural uplift fund was mentioned, which aimed to support the economy in rural areas, a Government package of £817,672 had been allocated to Mid-Devon. This fund would increase the shared prosperity fund, however there was a need to write and submit a proposal by the end of November. It would be capital funding and therefore had meant that it would have to be capital projects as well as be aligned with the shared prosperity fund.

The Chair opened the floor to the Group for questions that related to the rural and shared prosperity fund, which were as followed:

- A Member sought clarification on farmers who want to sell directly from their farm. They asked if farms would need the appropriate licences to do so. An Officer explained that processing of primary products would be included under DEFRA schemes whereas the Farm to Fork scheme was aimed at non farming businesses, for example a food box scheme or a shop.

The chair explained that the field to fork scheme was most likely to be used to encourage farmers to diversify.

It was added by a Member that the term field to fork was often associated with livestock farming rather than the wider agricultural market.

The Chair thanked comments from Members and asked officers to continue their presentation on the Cullompton heritage action zone. An Officer highlighted the following:

- The project officer had resigned and an interim officer had been allocated to temporarily fill this post. Recruitment was underway so that this position could be filled and it was reassured that the scheme was to be continued.
- The second round of consultations had been completed and work was underway with Devon County Council.
- There were still strands of work that were still ongoing, particularly within the voluntary sector such as homes for Ukraine so that it is ensured that sufficient support was provided.

The Group thanked the officers for their work on economic development within the district and noted that a considerable amount of work had been undertaken. In addition, the Director of Place also noted that the good work done on the shared prosperity fund.

RESOLVED: That report be noted.

23 Identification of items for the next meeting

The items identified for the next meeting were noted, however, the Group requested the following:

- That officers liaised with Devon County Council and Stagecoach for their views on the current bus services and their economic impact. With an intention for Stagecoach to be invited to speak at the Economy Policy Development Group.
- That Officers look into a potential policy gap analysis in regards to sustainable agriculture.

(The meeting ended at 6.51 pm)

CHAIRMAN

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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **PLANNING COMMITTEE** held on 7 September 2022 at 2.15 pm

Present

Councillors

P J Heal (Chairman)
E J Berry, S J Clist, L J Cruwys, B Holdman,
D J Knowles, F W Letch, R F Radford,
B G J Warren, C J Eginton and B A Moore

Apologies

Councillor(s)

Mrs C Collis and Mrs C P Daw

Also Present

Councillor(s)

J Buczkowski, D R Coren, R M Deed and
R L Stanley

Present

Officers:

Richard Marsh (Director of Place), Dean Emery (Corporate Manager for Revenues, Benefits and Recovery), Maria De Leiburne (Operations Manager for Legal and Monitoring), Adrian Devereaux (Area Team Leader), John Millar (Area Team Leader), Helen Govier (Principal Planning Officer), Tina Maryan (Area Planning Officer), Andrew Seaman (Member Services Manager) and Carole Oliphant (Member Services Officer)

56 APOLOGIES AND SUBSTITUTE MEMBERS (0.03.06)

Apologies were received from Councillors Mrs C Collis and Mrs C P Daw who were substituted by Councillors C J Eginton and B A Moore.

57 PUBLIC QUESTION TIME (0.03.33)

Paul Elstone a local resident referring to item 8 on the agenda asked:

Question 1:

The briefing note state that 3 Rivers have advised MDDC Officer that 3 Rivers own the full site having purchased from the owners in the entirety. That a section of the land immediately adjacent to the river as with possessory title.

Have MDDC Officers including solicitors carried out any due diligence on this statement?

Planning Law it is understood requires the applicant to either own the land or have permission from the rightful owner on which he wishes to build. It is strongly considered that the owners and who operate a commercial business very close to the Memorial Hall did not have either possessory title rights or adverse possession rights.

Possession title rights requiring the following criteria:

- Have possessed the land to the exclusion of anyone else
- Have shown an interest in the land by fencing it off and performing maintenance

The sellers did not meet either of these criteria, something that would have been clearly evident during any site visit.

There is good reason to believe the residents whose properties back onto this plot of land or the residents of Ham Place or the residents of Tiverton have a claim over this plot. This given the lands former use.

Question 2:

Why are 3 Rivers being given preferential treatment in planning terms compared to other developers and private applicants?

This when not submitting revised drawings for approval by Planning officers. Changes which are significant including material planning approval changes.

Drawings which formed the basis of the original planning application.

Provision of an access road to new parking spaces requiring the removal of a cycle store.

Very substantial changes to underground parking provision.

Major changes to retaining walls. Something used by the Cabinet Member for Finance to justify significant project overspends and yesterday's Cabinet meeting.

Question 3:

3 Rivers are using the justification that they have lost 8 parking spaces requiring these additional 10 parking spaces has the MDDC Planning officer carried out any due diligence on this claim.

Question 4:

Why are 3 Rivers stating they have lost 8 parking spaces when they have actually only lost 5? Seems a problem with the maths.

Even then there is a question why they have lost 2 spaces for provision for electric charging points.

Why can electric charging points be fitted on the walls in the Phoenix House multi storey car park and using standard parking bays yet 3 Rivers state they need long spaces reducing available spaces from 5 to 3

Question 5:

It is noted that 3 Rivers just 8 days ago submitted an application for a modification to the underground car park ventilation system. Condition 2.

Increasing ventilation they estimate from 30 to 80%.

Given the very close proximity of the Memorial Hall Social Club open space and the chimney effect of the retaining walls has the environmental and health impacts been considered.

Jamie Byrom a local resident stated:

I am Jamie Byrom of Sampford Peverell.

My questions concern Agenda Item 4, the Minutes of the meeting of 24 August.

I speak on behalf of all those who came here to put questions to this Committee on that day. Posing a question here is no small thing. People often need to go well beyond their comfort zones to do this. They do it with the sincere aim of drawing attention to something important that Members and officers may have failed to grasp from the mass of documents online. It is their one opportunity to show in person how paper proposals will affect their own lives, sometimes very deeply.

In asking my questions today, I mean no disrespect to the Member Services Officer who drafts the minutes and whose work is so important to this Committee.

My five questions are to all those Members present on 24 August. They address only some of my concerns about the minutes - what they say and what they do not say. I have passed a copy to the Chair so you can ask him to remind you of their wording when you reach Item 4 of your agenda today, should you wish.

Question 1 – In Public Question Time, the first questioner was Hayley Keary. She said barely one third of what she had hoped to say. Do the minutes accurately record this?

Question 2 – The Chair interrupted Miss Keary in mid-sentence, after she had been speaking for just under one minute. He stopped her just before she was going to quote an email from the officer. Do the minutes accurately record this?

Question 3 – Several interventions were needed before the Chair's misinterpretation of the constitution and its protocols was corrected. Do the minutes accurately record this?

Question 4 – Under section 48 of the minutes, ('Declarations of Interest'), is the text in the first paragraph an accurate record of declarations that were made over the Higher Town application? (22/00040/MARM).

Question 5 - More generally, with an eye to future practice, I note that the minutes helpfully try to give a verbatim record of questions raised in Public Question Time. In future, where a question is directed to an officer, please will you, out of respect for the public, require that the officer's specific reply to each specific question raised in Public Question Time must be clearly recorded as such in the minutes? Perhaps a table showing the officer's answer – or absence of answer - alongside each question would help? This will encourage a culture of officers giving direct answers to direct questions and, yes, it may also sharpen and shorten the questions raised by the public. If this cannot be decided here today, please move to such a system in the very near future.

Thank you. I look forward to observing how these questions are addressed when you discuss Agenda Item 4.

The Chairman advised that the questions would be addressed when the item was discussed.

58 DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT (0.11.15)

Members were reminded of the need to make declarations where appropriate

59 MINUTES OF THE PREVIOUS MEETING (0.11.32)

The following amendments were requested to the minutes of the meeting held on 28th August 2022:

Minute 47 Public Question Time.

(a) No mention is made in the minutes of the Chairman's statement in relation to restricting members of the public as to what they could say in their three minutes. There is also no mention of the advice from the Legal Officer and then later clarification when challenged.

(b) At 1 Hayley Keary - there is recorded in the printed minutes a detailed narrative allegedly made by her. This is not what she said as shown on the transcript of the recording I have received from a member of the public. The minute shows some of the content of what she said but it also contains more.

(c) Minute 48 Declaration of Interests Under Code of Conduct.

It is shown in the minute that under 22/00040/MARM Councillor Warren had made a declaration that I received correspondence from objectors. In fact I wrote, and the recording has the Legal Officer reading out my words that I declared receiving correspondence from applicant agent and objectors [28.56]. I was very specific about that as we had been sent correspondence and a map by the agent which was not put into the public domain and was used for a briefing by the applicants which I did not attend. I know that a number of the planning committee received the same email and attachment as I did but they are only shown as declaring correspondence from objectors BUT the recording just says received correspondence and in my view that covers them for receiving the email which I was deliberately more specific about.

For 22/000687/HOUSE Councillor Warren also made the same declaration as Councillors Heal and Letch so my name needs to be added there please.

(d) Minute 52a) The second paragraph at the top of page 12 of the bundle is correct as far as it goes but the point was raised that 71 further documents had been added since the meeting of 29 June 2022 and this is relevant if the indicated public complaint materialises.

(e) Under Consideration was given to: there is a list of bullet points which goes over the page onto 13. I would like to see added to that please - "Separate access for 3 self-build plots". This is a very relevant point for the future I can assure you.

These were **AGREED** and the amended minutes would be brought back to the next meeting for signature.

In response to public questions asked the Interim Monitoring Officer stated that the agreed amendments answered the questions asked and that the Director of Place would consider the request made in question 5.

60 **CHAIRMAN'S ANNOUNCEMENTS (0.31.05)**

The Chairman had no announcements to make

61 **WITHDRAWALS FROM THE AGENDA (0.31.32)**

There were no withdrawals from the agenda

62 **THE PLANS LIST (0.31.41)**

The Committee considered the applications in the *Plans List.

Note: *List previously circulated and attached to the minutes

a) Application 22/00799/FULL - Change of use from chapel to single dwelling and parking opposite at Yeoford Gospel Hall, Yeoford, Devon.

The Principal Planning Officer outlined the application by way of a presentation which highlighted an aerial image, site location plan, a copy of environment agency flood map, existing accommodation and floor plans, proposed floor plans and elevations and photographs of the site.

Consideration was given to:

- The officer recommendation for refusal was due to insufficient evidence being provided by the applicant in relation to economic viability, protected species and biodiversity and flood risk mitigation
- The last significant flood event was in 1966
- The views of the applicant who stated that 80 residents were in support of the Chapel to a dwelling, there was no evidence of bats and that the flood risk was not significant based on past events
- The views of the Parish Council who stated that the Chapel opened in 1901 and was used until 2016, that there were enough community buildings in the village and that the Chapel was no longer required for the community. The Parish Council supported the conversion to a dwelling

- The views of the Ward Member who disputed the risk of flooding and asked that the application be approved so that the building could be saved for future generations

It was therefore **RESOLVED** that planning permission be granted and delegated authority be given to the Director of Place and/or Development Management Manager to consider a set of conditions with regard to:

- Protected species and biodiversity
- Flood risk management plan

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

Reason for the decision: The application broadly complied with policy DM1 and supporting evidence from the Parish Council and Ward Member confirmed that the Church had not been used since 2017. The village was well supported with community buildings and on that basis it was considered that Planning Permission be granted, subject to conditions. It was felt that the flood risk had been overstated.

Notes:

- Cllr P J Heal requested that his vote against the decision be recorded
- Cllr F W Letch made a declaration in accordance with protocol of Good Practice for Councillors dealing with planning matters as the property was in his County Ward and he had visited the site
- Cllr P J Heal made a declaration in accordance with protocol of Good Practice for Councillors dealing with planning matters as he had received correspondence
- John Shelley spoke as the applicant
- Cllr Edna Beasley spoke on behalf of Yeoford Parish Council

b) Application 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 at Land at NGR 295494 113719, (South Of Lea Road), Tiverton.

The Area Team Leader outlined the application by way of a presentation which highlighted the site location plan, aerial images, illustrative outline plan, proposed layout, street scenes, cross sections, landscaping plan, parking plan, refuse plan, plot types and photographs of the site.

The officer explained that the developer had updated the number of electric vehicle charging points to provide one for each of the 42 units and that the 10 year landscape management plan had been updated.

Consideration was given to:

- That bird box sizes should be agreed with the RSPB
- A management company would be set up to take over the landscape management plan at the end of 10 years
- The original 12 affordable units had been removed from the plan by a variation to the S106 agreement which had been agreed by the Committee

- Schemes of under 50 units did not require the inclusion of designated play areas
- The stability of the site had been tested at outline stage
- The views of the agent who stated that a proactive approach had been used, the access point had been approved at outline, amendments had been made to the parking provisions and that there would be an electric vehicle charging point for every parking space
- The views of Tiverton Town Council who objected to the development as it distracted from the surrounding area, the 3 storey block of flats would dominate and that the offer of 42 electric vehicle charging points came with a caveat that there was enough electricity capacity

It was therefore **RESOLVED** that planning permission be granted subject to conditions as recommended by the Development Management Manager and an amendment to condition 3, 6 and 7 to read:

Condition 3

The proposed tree planting will need to be afforded suitable aftercare to ensure successful establishment. Tree planting that should be carried out in accordance with best practice following British Standards:

- a. BS: 3882:2015 Specification for topsoil
- b. BS: 3998:2010 Tree work Recommendations
- c. BS: 3936-1:1992 Nursery Stock - Part 1: Specification for trees and shrubs
- d. BS: 4428:1989 Code of practice for general landscaping operations (excluding hard surfaces)
- e. BS: 4043:1989 Recommendations for Transplanting root-balled trees
- f. BS: 5837 (2012) Trees in relation to demolition, design and construction Recommendations
- g. BS: 7370-4:1993 Grounds maintenance part 4. Recommendations for maintenance of soft landscape (other than amenity turf).
- h. BS: 8545:2014 Trees: from nursery to independence in the landscape Recommendations
- i. BS: 8601:2013 Specification for subsoil and requirements for use

All proposed tree planting shall be subject to ongoing maintenance which shall be undertaken in full accordance with the submitted Maintenance and Management Plan (MHP 10 YEAR LANDSCAPE MAINTENANCE AND MANAGEMENT PLAN, August 2022), unless any variation is first agreed in writing with the Local Planning Authority.

Any trees that are found to be dead, dying, severely damaged or diseased within five years of the completion of the building works or five years of the carrying out of the landscaping scheme (whichever is later), shall be replaced in the next planting season by specimens of similar size and species in the first suitable planting season. Prior to the a expiry of 10 years where dead, dying, severely damaged or diseased trees are to be replaced a review of the tree stock should be carried out by the council with a view to a Tree Preservation Order being placed to ensure long-term protection.

Reason:

To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990 to safeguard and enhance the amenity of the area, to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality.

Condition 6

The proposed residential development shall be implemented in accordance with the details submitted for the provision of electric charging points for electric vehicles as shown on the Car and Cycle Parking Strategy Plan (Rev I), as required by Policies S1 and DM5. These facilities shall be provided prior to occupation of each relevant dwelling within the development.

Condition 7

Prior to the first occupation of each relevant dwelling hereby approved, bat and bird boxes shall be installed in accordance with a scheme which shall previously have been submitted to and approved in writing by the Local Planning Authority. Once installed, the approved measures shall be retained indefinitely. This scheme shall be in accordance with the recommendations outlined within the Ecology Summary, reference 14612_R01_30th May 2022_RR_CW and produced by Tyler Grange which outlines the numbers and types of bird boxes/bat boxes to be integrated into the residential development. The ecology summary outlines the mitigation and enhancement measures which need to be carried out as part of the approved development.

(Proposed by the Chairman)

Reason for the decision: As set out in the report

Notes:

- Cllrs B Holdman and L J Cruwys requested that their votes against the decision be recorded
- Cllr B G J Warren requested that his abstention from voting be recorded
- Cllr S J Clist declared a pecuniary interest as there was a family connection to the application. He left during the discussion of the item and did not take part in the vote
- Cllr B Holdman made a declaration in accordance with protocol of Good Practice for Councillors dealing with planning matters as he was the Ward Member and a member of Tiverton Town Council Planning Committee
- Cllr L J Cruwys made a declaration in accordance with protocol of Good Practice for Councillors dealing with planning matters as he was the Chairman of the Tiverton Town Council Planning Committee
- The agent Andrew Ross spoke
- Cllr Paul Elstone spoke on behalf of Tiverton Town Council
- The following late information was received:

02.09.2022

Following the submission of a 10 Year Landscape Maintenance and Management Plan by the applicant, the Council's Arboricultural Officer has confirmed that this is

acceptable. As such it is proposed to amend condition 3 so that the landscaping is maintained in accordance with this plan, so the condition would read as follows:

3. The proposed tree planting will need to be afforded suitable aftercare to ensure successful establishment. Tree planting that should be carried out in accordance with best practice following British Standards:

- a. BS: 3882:2015 Specification for topsoil
- b. BS: 3998:2010 Tree work Recommendations
- c. BS: 3936-1:1992 Nursery Stock - Part 1: Specification for trees and shrubs
- d. BS: 4428:1989 Code of practice for general landscaping operations (excluding hard surfaces)
- e. BS: 4043:1989 Recommendations for Transplanting root-balled trees
- f. BS: 5837 (2012) Trees in relation to demolition, design and construction Recommendations
- g. BS: 7370-4:1993 Grounds maintenance part 4. Recommendations for maintenance of soft landscape (other than amenity turf).
- h. BS: 8545:2014 Trees: from nursery to independence in the landscape Recommendations
- i. BS: 8601:2013 Specification for subsoil and requirements for use

All proposed tree planting shall be subject to ongoing maintenance which shall be undertaken in full accordance with the submitted Maintenance and Management Plan (MHP 10 YEAR LANDSCAPE MAINTENANCE AND MANAGEMENT PLAN, August 2022), unless any variation is first agreed in writing with the Local Planning Authority.

Any trees that are found to be dead, dying, severely damaged or diseased within five years of the completion of the building works or five years of the carrying out of the landscaping scheme (whichever is later), shall be replaced in the next planting season by specimens of similar size and species in the first suitable planting season. Prior to the a expiry of 10 years where dead, dying, severely damaged or diseased trees are to be replaced a review of the tree stock should be carried out by the council with a view to a Tree Preservation Order being placed to ensure long-term protection.

Reason:

To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990 to safeguard and enhance the amenity of the area, to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality.

Following queries raised to the access and parking layout on site, a further response was sought from the Local Highway Authority. The response received from the Senior Highway Development Management Officer was as follows:

'I can confirm I have visited the site prior to me putting forward my comments.

I do not have any concerns over the visibility plays for the internal parking spaces.

The Access off the main road has been approved at the Outline Application on Drawing Number C151789-HYD-XX-XX-DR-TP-0103 Rev P2 and was assessed by predecessor, which I have no concerns.'

c) Application 21/02448/FULL - Erection of a dwelling at Land at NGR 268209 111511, Eggesford Close, Eggesford.

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

The officer explained that although space standards had been achieved there were concerns about the size of the property and comfortable living for future residents. Policy S14 prevented open market dwellings in open countryside and there were concerns about the size of the outside amenity area.

Consideration was given to:

- The views of the applicant who stated that 1 dwelling on a brown field site was sensible, the reasons for refusal were confusing and quality of life should have been applied to other developments on the site
- The views of the Ward Member who stated that this was a use of the brownfield site, development within the close had already been approved and that the property was totally sustainable.

It was therefore **RESOLVED** that planning permission be granted as applied for.

(Proposed by Cllr C Eginton and seconded by Cllr S J Clist)

Reason for the decision: The development was on a brown field site and was close to existing developments, it was sustainable and was the last in fill site on an existing development.

Notes:

- Cllr P J Heal requested that his vote against the decision be recorded
- Cllr C J Eginton made a declaration in accordance with protocol of Good Practice for Councillors dealing with planning matters as the applicant was known to him and he was the Ward Member
- Cllrs P J Heal, E J Berry, S J Clist, B A Moore, B Holdman, D J Knowles, F W Letch and B G J Warren all made declarations in accordance with protocol of Good Practice for Councillors dealing with planning matters as they had received correspondence
- Mr Churchill spoke as the applicant
- Cllr C J Eginton spoke as Ward Member

d) Application 22/00481/MARM - Reserved matters for the erection of 190 dwellings together with associated infrastructure following outline approval 17/01170/MOUT at Land at NGR 302186 108607 , North of Rull Lane and to The West of Willand Road, Cullompton.

The Area Planning Officer outlined the application by way of a presentation highlighting the site location plan, aerial image, adopted masterplan, landscaping scheme, street scenes, house types, visualisations, and photographs of the site and access points.

Consideration was given to:

- The development would provide an electric vehicle charging point for each unit
- The provision of solar panels for 50% of the units was due to the orientation of the remaining units
- The varied open spaces and layout of the development would provide dementia friendly street scenes
- Gypsy and Traveller sites would be considered in phase two
- Parking provision was above Local Plan policy standards
- Traffic calming measures in the Headweir Road had been secured in the S106 agreements
- The views of the agent who stated that this was a reserved matters application and it included the required number of affordable homes which would be indistinguishable to the rest of the development. The layout was in accordance with the master plan.

It was therefore **RESOLVED** that planning permission be granted subject to conditions as recommended by the Development Management Manager and an amendment to conditions 2 and 4 to read:

1. Condition 2 -The pedestrian access onto Rull Lane shown on drawing number 02-PHL-101 Rev E shall be provided and be open for use in accordance with a timescale to be agreed in writing with the Local Planning Authority before first occupation of any dwelling. Once provided, such pedestrian access shall be permanently kept open and maintained for such use at all times.
2. Condition 4 - No development shall take place until tree and hedge protection measures/fencing have been provided on site and in respect of any off-site compounds to protect all retained trees and hedges, in accordance with the submitted Arboricultural Method Statement and Tree Protection Plan 05740.TPP.AMS Rev B. The approved measures/fencing shall be kept in place for the duration of the construction period and the development shall proceed only in accordance with the approved details.

(Proposed by Cllr B A Moore and seconded by Cllr F W Letch)

Reason for the decision: As set out in the report

Note:

- Cllr B G J Warren made a declaration in accordance with protocol of Good Practice for Councillors dealing with planning matters as he was Chairman of Willand Parish Council
- Cllr S J Clist made a declaration in accordance with protocol of Good Practice for Councillors dealing with planning matters as he had received correspondence
- Cllr E J Berry made a declaration in accordance with protocol of Good Practice for Councillors dealing with planning matters as he was the Ward and County Member
- Joanne Halton spoke as the Agent
- The following late information was received:

02.09.2022

1. Paragraph 6.10 of the committee report refers to minor corrections being made to the Tree Protection Plan that had not been made at the time of writing the report. The corrected Tree Protection Plan has now been received and is considered to be satisfactory. The Tree Officer has confirmed that he is happy with the submitted Arboricultural Method Statement where fully followed. It is therefore recommended that condition 4 be amended as follows:

No development shall take place until tree and hedge protection measures/fencing have been provided on site and in respect of any off-site compounds to protect all retained trees and hedges, in accordance with the submitted Arboricultural Method Statement and Tree Protection Plan 05740.TPP.AMS Rev B. The approved measures/fencing shall be kept in place for the duration of the construction period and the development shall proceed only in accordance with the approved details.

2. The applicant has requested that condition 2 of the recommended conditions be amended as it is not practical or safe for this pedestrian access to be open while the adjacent houses are being constructed. It is therefore recommended that the condition be amended to require a timescale for opening the pedestrian access to be agreed in writing before first occupation of any dwelling.

Recommended revised condition:

The pedestrian access onto Rull Lane shown on drawing number 02-PHL-101 Rev E shall be provided and be open for use in accordance with a timescale to be agreed in writing with the Local Planning Authority before first occupation of any dwelling. Once provided, such pedestrian access shall be permanently kept open and maintained for such use at all times.

63 **APPLICATION 22/00672/FULL - Development Site at NGR 295336 112490 St George's Court, Tiverton, Devon - Formation of residential parking area and landscaping works (3.31.11)**

At the Planning Committee on 27th July 2022, Members advised that they were minded to refuse the above application and invited an *implications report for further consideration.

The Area Team Leader provided the following responses to questions asked at public question time:

- It had been confirmed by the Legal department that the application site was wholly owned by the applicant. Notwithstanding this, an applicant did not have to own the land to apply for planning permission
- The statement related to the original planning application and not the application before Committee today
- There was a loss of 8 parking spaces and the proposal was for 10 parking spaces
- 3 parking spaces had been lost due to size of the retaining wall required and 3 electric vehicle charging spaces had been made available. The electric vehicle charging spaces were larger than normal parking spaces

- The statement was not relevant to the application in front of Committee today but any modifications to the original application would be brought to Committee for determination

Consideration was given to:

- The Interim Monitoring Officer explained that the Committee had dealt with retrospective applications historically and that this application should be dealt with in accordance with normal determinations

It was therefore **RESOLVED** that the Committee would not determine the application

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

It was further **RESOLVED** that Committee had made a decision not to determine this application and we will take no further part in it.

(Proposed by Cllr B A Moore and seconded by Cllr S J Clist)

Reason for the decision: No decision was made

Notes:

- *Implications report previously circulated and attached to the minutes
- Cllrs B G J Warren, S J Clist, F W Letch, B Holdman and L J Cruwys requested that their votes in support of the initial decision be recorded
- Cllrs B A Moore, P J Heal, E J Berry and C J Eginton requested that their votes against the initial decision be recorded
- Cllrs D J Knowles and R F Radford had left the meeting before the commencement of the item and did not take part in the vote
- Cllrs B G J Warren and S J Clist made declarations in accordance with protocol of Good Practice for Councillors dealing with planning matters as they had been contacted by objectors
- Cllr C J Eginton made a declaration in accordance with protocol of Good Practice for Councillors dealing with planning matters as he had attended a Cabinet meeting relating to loans to the applicant but had abstained on the vote
- Cllr B A Moore made a declaration in accordance with protocol of Good Practice for Councillors dealing with planning matters as he was the Cabinet Member responsible for the applicant
- Cllr B Holdman made a declaration in accordance with protocol of Good Practice for Councillors dealing with planning matters as he was a member of Tiverton Town Council Planning Committee
- Cllr L J Cruwys made a declaration in accordance with protocol of Good Practice for Councillors dealing with planning matters as he was the Ward Member, and Chairman of Tiverton Town Council Planning Committee and had received correspondence
- Cllr P J Heal made a declaration in accordance with protocol of Good Practice for Councillors dealing with planning matters as he had received correspondence

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

The Committee agreed that the applications remained delegated.

Note: *list previously circulated and attached to the minutes

65 **APPEAL DECISIONS (4.56.43)**

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 7.10 pm)

CHAIRMAN

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **PLANNING COMMITTEE** held on 5 October 2022 at 2.15 pm

Present

Councillors

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

Apologies

Councillor(s)

F W Letch

Also Present

Councillor(s)

J Buczkowski and Mrs N Woollatt

Also Present

Officer(s):

Richard Marsh (Director of Place), Angharad Williams (Development Management Manager), Andrew Busby (Corporate Manager for Property, Leisure and Climate Change), Simon Newcombe (Corporate Manager for Public Health, Regulation and Housing), Philip Langdon (Solicitor), Adrian Devereaux (Area Team Leader), John Millar (Area Team Leader), James Clements (Principal Planning Officer), Tina Maryan (Area Planning Officer), Christie McCombe (Area Planning Officer), Carole Oliphant (Member Services Officer) and Jessica Rowe (Member Services Apprentice)

66 **APOLOGIES AND SUBSTITUTE MEMBERS (0.03.18)**

Apologies were received from Cllr F W Letch who was substituted by Cllr J M Downes.

67 **PUBLIC QUESTION TIME (0.03.35)**

Sarah Coffin, a local resident, referring to No 4 on the Plans list stated:

Red Linhay operated a 5000kw farm fed AD and a herd of 25 beef Charolais cattle with no declared intent for increased cattle numbers and no legitimate planning approval to increase AD energy production from this 100 acre farm. Therefore environmental benefit and necessity remain the key planning considerations.

Prior to this application both entities have been serviced by one permanent concrete silage clamp operating under EA permit within the AD site, as well as larger temporary soil based field silage help on the farm. Whilst environmental benefit appears self-evident from the application it would only be effective if it replaces the present temporary soil based silage clamp. Will Councillors condition any approval of this application accordingly?

Are Councillors aware of the ongoing investigations into numerous complaints and planning breaches concerning excess production with on farm Anaerobic Digesters across the region? I there ask Councillors to show due diligence and ensure any approval of this application will not facilitate further production excess.

Applicant claims Red Linhay is the hub site for outsourced feed stocks but these are limited and specified under the initial AD planning conditions. Any intentions to exceed present permitted outsourced feed stocks will require a Transfer Operators Licence – Does Red Linhay have such a licence?

There are serious local concerns that this application is merely a precursor to yet more back door expansion at this sensitive location. I quote the following adverts seen this year:

1. An advert on Freeads.com under same name as the Red Linhay Manager offering sales of bulk grass pellet deliveries
2. And another in January 2022 for new farm staff quoting 'The company specialises in the growing and harvesting of a range of crops, not only for the on site AD unit but also our livestock feed pelleting enterprise

Paul Elstone, a local resident, also referring to No 4 on the plans list stated:

1. When making the recommendation for approval did the planning officer fully take into consideration that the silage clamp will contain enough silage to feed the registered Red Linhay herd of 17 Charolais cows and 23 calves born since 2020 for around 45 years assuming a 6 month indoor and outdoor feeding cycle?
2. If so how can this gross silage volume be fully justified other than it is being used for a different commercial purpose not related directly to this farm?
3. When stating that the silage clamp will cause no additional impact to the local road network did the planning officer fully take into consideration that the silage clamp will hold around 500 loads of grass silage delivered by tractor to fill?
4. When stating there will be no additional impacts on the local road network did the planning officer fully take into consideration that grass silage is being transported to Red Linhay to fill the clamp from as far as 23 miles away i.e. Clannaborough Barton at Bow or a round trip of 46 miles?

A farm that is currently up for sale at £7.5 million. This begs further questions I believe.

That 10 separate very large Red Linhay tractors and trailers were seen on the road at the same time, travelling from Bow passing through Copplestone, Crediton, Bickleigh and the Blundells School campus.

Halberton, Willand and Cullompton have also been seriously impacted.

5. Did the planning officer fully take into consideration that when he says there will be no impact on the local road network, the the Red Linhay AD transport statement forming part of the AD planning approval includes a map which very

clearly shows the road though Blundells School campus with over 3000 pupil crossings per day will not be used.

That as many as 200 Red Linhay tractor movements a day have transited the Blundells School campus. Similar numbers have travelled through Halberton.

6. When stating there will be no increase in traffic movements as the movements have been accounted for.

Did the planning officer fully take into consideration that then the MDDC agreed the AD transport plan the applicant said there would only be 748 loads per year accessing Red Linhay.

That the Red Linhay weighbridge data shows that over the period August 2021 and August 2022 there were 3972 loads passing across the Red Linhay weighbridge?

This being 3231 extra loads or nearly 5 times as many as was stated by the applicant in order to get planning approval

Hannah Kearns, a local resident, provided the following questions referring to item 4 on the plans list which was read out by the Chairman:

QUESTION 1

I would refer Committee Members to Page 58, Item 5 - Highway Impacts The Briefing Paper says the following

“Crops will therefore be brought by tractor from other parts of the applicants farm enterprise. However this would not increase traffic movements on the local road network because these movements have already been counted for”

“The tractors that serve the farm enterprise are permanently based at Red Linhay therefore the traffic movements already exist”.

Can the Planning Officer explain EXACTLY what is meant by the statement that the traffic movements have already been accounted for?

Additionally, when giving this explanation, can the Planning Officer confirm how many tractors are operating from the Red Linhay site and importantly why these traffic movements already exist?

QUESTION 2

In respect of Question 1 are the Committee Members aware that the proposed silage clamp will require an ADDITIONAL 500 plus tractor trailer loads to fill, or around 1000 tractor movements?

These figures have been independently verified. Therefore, can the Planning Officer please explain how these extra 500 loads will not add any burden to the local road network?

QUESTION 3

Have MDDC Planning Officers fully investigated and verified ALL of the current RED LINHAY TRANSPORT DATA that is available to them on the MDDC Planning Portal as provided by the Red Linhay owners themselves when making the Highways Impact statement, or have they just taken this data at face value?

QUESTION 4

The Committee Report has stated that the grass silage is being obtained from Farming Enterprises owned by the applicant. Has this statement regarding land ownership been fully interrogated by the Planning Officer?

I ask this question given that information provided in terms of crop locations to feed the Anaerobic Digester would seem to be very different from where the grass silage to fill the clamp is actually known to be coming from.

QUESTION 5

Given the silage clamp is claimed to be required to feed the applicants cattle, has the Planning Officer done any detailed research into the size of herd or the type of cattle being fed?

The Chairman advised that responses to questions and statements raised would be provided when the application was heard.

68 **DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT (0.13.17)**

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

69 **MINUTES OF THE PREVIOUS MEETING (0.13.31)**

The minutes of the meetings held on 24th August 2022 and 7th September 2022 were agreed as a true record and duly **SIGNED** by the Chairman.

70 **CHAIRMAN'S ANNOUNCEMENTS (0.16.55)**

The Chairman reminded Members of the informal planning committee meeting on 9th November at 11.00am.

71 **WITHDRAWALS FROM THE AGENDA (0.18.40)**

There were no withdrawals from the agenda

72 **THE PLANS LIST (0.18.55)**

The Committee considered the applications in the *Plans List.

Note: *List previously circulated and attached to the minutes

Applications dealt with without debate.

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

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

- a) **Application 22/01753/NMA - Non-material amendment for 21/01957/FULL to allow reduction of building width by 1.5m, increase the stair core height by 0.6m and addition of a fixed clear glazing panel above the East elevation windows at Garages and Forecourt, Shapland Place, Tiverton.** Planning permission be granted as recommended by the Development Management Manager

(Proposed by the Chairman)

Reason for the decision: As set out in the report

- b) **Application 22/01668/TPO - Application to reduce limbs on south and southeast aspect of one Oak tree protected by Tree Preservation Order 94/00008/TPO by 3-5m, thin sub-lateral branches by 20%, reduce extended limb resting on floor to 4-5m from stem (truncating the limb) and truncate southwest limb at c.2.5m in height to c.3m from stem; crown reduce top height and northern aspect by c.1.5m and reduce the remainder of the south, southeast and west aspect by c.3-4m along with crown thinning of sub lateral branches c.10% at Land at NGR 295892 103149, Wyndham Road, Silverton.** Consent granted

(Proposed by the Chairman)

Reason for the decision: As set out in the report

- c) **Application 22/00398/MFUL - Erection of swimming pool building, conversion of squash courts into a P.E. department, external services compound and associated landscaping at Land at NGR 297202 113154 (Blundells School), Blundells Road, Tiverton.**

The Area Team Leader outlined the application by way of a presentation highlighting aerial images, pool elevations, floor plans, roof plans, planting plan and photographs of the site.

The officer explained that the application was to improve facilities and increase sustainability and that the application had given consideration to the conservation area.

Consideration was given to:

- The Squash Club would lose the facilities that they had rented for over 60 years

- The pool would not be open to the general public and would not impact the local leisure centres
- The views of the objector who stated that they had carried out extensive renovations to the existing squash courts over the years and that they would like it conditioned that new courts were made available before the old were converted
- The views of the agent who stated that the new facility would be for the benefit of the school and pupils and that the current squash courts were not being utilised by the school. The squash courts would be replaced at some time in the future but that in the meantime there were other squash facilities in the local area

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

(Proposed by E J Berry and seconded by Cllr L J Cruwys)

Reason for the decision: As set out in the report

Notes:

- Cllr B G J Warren made a personal declaration as his children had attended the School
- Cllr B Holdman made a personal declaration as he knew Teachers at the school
- Mark Stimpson of Tiverton Squash Club spoke as the objector
- The agent Charles Derby spoke

d) Application 22/00665/MFUL - Retention of silage clamp and erection of roof over at Land at NGR 299554 112915 (Red Linhay), Crown Hill, Halberton.

The Planning Officer outlined the application by way of a presentation highlighting a site location plan, aerial image, proposed elevations, floor plans, roof plans and photographs of the site.

The officer explained that the clamp would only be filled from the applicant's landholdings which were spread throughout the area. The clamp was not just to feed cattle but was also to stock the applicants silage business which produced silage pellets and cubes. Both activities were agricultural and therefore defined as agricultural use on an agricultural property.

There would be no additional traffic movements on the local highway network as the traffic movements had already been accounted for. The tractors were based at Red Linhay and already made regular trips to the applicant's other landholdings in the area. There would be an increase in traffic movements bringing silage back to the clamp but this would not harm highway safety.

In response to public questions asked and statements made the officer stated:

- There would be no additional traffic movements as previously explained

- The number of tractor loads stated by the public had not been verified or confirmed but that the Highways Authority had no objections to the application
- It was not a material consideration how many cows would be fed from the clamp
- The advertisements made by the applicant confirmed that the clamp was being used for agricultural purposes
- The application before Members had to be considered on its own merits and did not include the Anaerobic Digester (AD) plant on site

Consideration was given to:

- The application was retrospective for the clamp which was already in place but the roof had not yet been constructed
- Environmental Health had no objections to the arrangements for surface water run off
- Officers had sought Counsel views on previous applications of a similar nature who had confirmed that the silage clamp was agricultural use
- The application before Members was separate from the Anaerobic Digester business on site
- Officers would not be able to condition to restrict exact activities the clamp could be used for as this would not be reasonable or meet the 6 tests of planning conditions as set out in the NPPF
- The views of the Parish Council who stated the application was bigger than one which had already been turned down on the site and that it should be conditioned that the clamp was solely for agricultural use
- The views of the Ward Member who suggested that a site visit was undertaken by Members and that it should be conditioned that the clamp could only be for agricultural use
- That although some Members had concerns about increased traffic movements, the Highways Authority had no objections to the application on road safety concerns

It was therefore **RESOLVED** that planning permission be granted subject to conditions as recommended by the Development Management Manager subject to an amendment to condition 4 and an additional condition 6:

Condition 4

Within three months of this decision a Landscape and Ecological Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The management plan shall provide details of the following:

- (a) Retained Ecological and Landscape Features
- (b) Proposed Habitats, Ecological and Landscape Features including length, height, width and specification of the new hedge bank around the perimeter of the silage clamp
- (c) Habitat and landscape Management Measures for the lifetime of the development
- (d) Demonstrate a biodiversity net gain using the Natural England metric
- (d) Monitoring and Review of Plan.

The development shall not be carried out other than in accordance with the approved details and planted up within the next planting season.

Condition 6

The building hereby approved shall be used only for agricultural purposes as defined in Section 336(1) of the Town and Country Planning Act 1990 and if at any time the building ceases to be used or required for such purpose it shall be removed and the site re-instated in accordance with a scheme previously submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the building is used for agricultural purposes only since it lies within a countryside location where restrictive planning policies apply.

(Proposed by the Chairman)

5 votes for. 5 votes against. 1 abstained. Chairman's casting vote.

Reason for the decision: As set out in the report

Notes:

- Cllrs B G J Warren, D J Knowles, S J Clist, B Holdman and L J Cruwys all made declarations in accordance with protocol of Good Practice for Councillors dealing with planning matters as they had received correspondence
- Cllrs C P Daw, C Collis and R F Radford all made declarations in accordance with protocol of Good Practice for Councillors dealing with planning matters as they had attended a JAC meeting where the application was discussed
- Cllr D J Knowles made a personal declaration as he knew the applicant
- Cllrs B G J Warren, B Holdman, C Collis and L J Cruwys requested that their votes against the decision be recorded
- Cllr Ian Campbell spoke on behalf of Halberton Parish Council
- Cllr R F Radford spoke as Ward Member
- The following late information was received:

Officers consider that it is necessary to clearly define the recommendation for approval to ensure that the proposed silage clamp is used for agricultural purposes only. Additional condition no.6 is therefore proposed:

The building hereby approved shall be used only for agricultural purposes as defined in Section 336(1) of the Town and Country Planning Act 1990 and if at any time the building ceases to be used or required for such purpose it shall be removed and the site re-instated in accordance with a scheme previously submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the building is used for agricultural purposes only since it lies within a countryside location where restrictive planning policies apply.

e) Application 22/00706/MFUL - Construction of vehicular access onto Tiverton Road and construction of spine road and associated infrastructure to facilitate the North West Cullompton urban extension at Land North West of Cullompton, Tiverton Road, Cullompton.

The Area Planning Officer (Major Projects Cullompton) outlined the application by way of a presentation highlighting aerial photographs, a site location plan, phase 1

applications, indicative plans, road sections, Pegasus crossings, culvert access, construction traffic routes and photographs of views to and from the site.

Consideration was given to:

- The construction traffic could not be brought through the new spine road on other developers sites next to the application site as it had not been built out yet and that the other developers would not grant permission for their construction sites to be used
- Relevant policies in the Cullompton Neighbourhood plan had been fully taken into account and addressed in the officer report
- The views of the agent who stated that they had consulted with the Town Council on the proposals. The application was approved in outline but needed to be resubmitted as there were changes required outside of the original application site
- The views of the Town Council who welcomed the proposal in principle but felt that the construction plan was flawed and that the priority should be changed at the junction with the spine road
- The views of the Ward Members who requested a deed of variation should be entered into to restrict occupation of 50 dwellings until this section of the spine road was completed, concerns for wildlife crossing through the culvert under the road and a request that existing footpaths and bridleways remain open during the build. That there were concerns from the community about the length of time the spine road would take to construct that and that it did not comply with the Neighbourhood Plan
- Members concerns that a crossing should be provided on Tiverton road was not supported by the Highways Officer present who confirmed that a safety audit had concluded that this was not a requirement
- The construction traffic going through the town would not affect the Heritage Action Zone Grants
- A road crossing could not be conditioned for this application but that it could be considered in phase 2 of the development

It was therefore **RESOLVED** that planning permission be granted subject to conditions as recommended by the Development Management Manager subject condition 7 be replaced with the following condition:

'The development shall proceed in accordance with the Written Schemes of Investigation prepared by Cotswold Archaeology (CA project refs: CR0641 & CR0905 Revision C, dated 6th May 2022) and submitted in support of this planning application. The development shall be carried out at all times in accordance with the approved schemes. The development shall not be brought into its intended use until (i) the post investigation assessment has been completed in accordance with the approved Written Scheme of Investigation and (ii) that the provision made for analysis, publication and dissemination of results, and archive deposition, has been confirmed in writing to, and approved by, the Local Planning Authority.

Reason: To ensure, in accordance with Policy DM25 of the Mid Devon Local Plan 2013-2033 and paragraph 205 of the National Planning Policy Framework (2021), that an appropriate record is made of archaeological evidence that may be affected by the development, and to comply with Paragraph 205 of the NPPF, which requires

the developer to record and advance understanding of the significance of heritage assets, and to ensure that the information gathered becomes publicly accessible.’

(Proposed by the Chairman)

Reason for the decision: As set out in the report

Notes:

- Cllr E J Berry made a declaration in accordance with protocol of Good Practice for Councillors dealing with planning matters as the property was in his County Ward and he knew residents in the area
- Cllr S J Clist made a declaration in accordance with protocol of Good Practice for Councillors dealing with planning matters as he had received correspondence
- Cllr S J Clist requested that his vote against the decision be recorded
- The Agent David Matthews spoke
- Cllr Martin Smith spoke on behalf of Cullompton Town Council
- Cllr N Woollatt spoke as Ward Member
- Cllr J Buczkowski spoke as Ward Member
- The Development Management Manager left the meeting at 18.07pm
- The following late information was received:

28/09/22

Paragraph 6.12 of the report recommends a condition requiring a Written Scheme of Investigation in respect of archaeology to be submitted and approved by the Local Planning Authority and this is recommended to be secured by condition 7. The Written Scheme of Investigation has now been approved by Devon County Council’s Historic Environment team and it is therefore recommended that condition 7 be replaced with the following condition:

‘The development shall proceed in accordance with the Written Schemes of Investigation prepared by Cotswold Archaeology (CA project refs: CR0641 & CR0905 Revision C, dated 6th May 2022) and submitted in support of this planning application. The development shall be carried out at all times in accordance with the approved schemes. The development shall not be brought into its intended use until (i) the post investigation assessment has been completed in accordance with the approved Written Scheme of Investigation and (ii) that the provision made for analysis, publication and dissemination of results, and archive deposition, has been confirmed in writing to, and approved by, the Local Planning Authority.

Reason: To ensure, in accordance with Policy DM25 of the Mid Devon Local Plan 2013-2033 and paragraph 205 of the National Planning Policy Framework (2021), that an appropriate record is made of archaeological evidence that may be affected by the development, and to comply with Paragraph 205 of the NPPF, which requires the developer to record and advance understanding of the significance of heritage assets, and to ensure that the information gathered becomes publicly accessible.’

f) Application 22/01255/MFUL - Erection of 70 affordable dwellings including associated roads, footpaths, landscaping and amenity area at Land at NGR 298768 113600, Uplowman Road, Tiverton.

Area Planning Officer (Tiverton Eastern Urban Extension) outlined the application by way of a presentation highlighting site constraint plans, illustrative framework plan, proposed block plan, proposed aerial views, selection of housing types and photographs of the site.

Consideration was given to:

- Passivhaus Standards had been applied; a high performance building standard to ensure low energy demand and low energy bills
- The site was an allocated site in the Local Plan
- The development had outline permission without the need for the linking road between the new A361 road junction and Blundell's Road to be completed.
- The views of the applicant who stated that occupants of the development would be from the Council's housing needs list currently at circa 300 applicants. The existing contours of the site had been considered and that open spaces had been connected with pathways. Public Consultation on the plans had been completed
- The Design Review Panel supported the principles of development

It was therefore **RESOLVED** that planning permission be granted subject to conditions as recommended by the Director of Place.

(Proposed by Cllr J M Downes and seconded by Cllr D J Knowles

Reason for the decision: As set out in the report

Notes:

- Cllrs P J Heal, E J Berry, S J Clist, C Collis, L J Cruwys, C P Daw, B Holdman, D J Knowles, J M Downes, R F Radford and B G J Warren all made a declarations in accordance with protocol of Good Practice for Councillors dealing with planning matters as it was an MDDC application
- Cllr S J Clist made a declaration in accordance with protocol of Good Practice for Councillors dealing with planning matters as he was a Cabinet Member when the application was first discussed
- Cllr D J Knowles made a declaration in accordance with protocol of Good Practice for Councillors dealing with planning matters as he was Ward Member and had received objections
- The following late information was received:

29/09/22

Since the officer report was finalised confirmation has been received from Royal Devon University Healthcare Foundation Trust (23 September 2022) that their contribution request has been withdrawn; this on the understanding that the development is 100% affordable housing.

73 MAJOR APPLICATIONS WITH NO DECISION (4.22.39)

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

The Committee agreed that:

1. Application 22/01688/MOUT – Higher Town Sampford Peverell to be determined by Committee but no site visit required
2. 22/01562/MOUT – Growen Farm, Cullompton - to be determined by Committee and a full Committee site visit take place

Note: *list previously circulated and attached to the minutes

74 APPEAL DECISIONS (4.32.29)

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 7.08 pm)

CHAIRMAN