

# Public Document Pack

## MID DEVON DISTRICT COUNCIL

A **MEETING** of the **MID DEVON DISTRICT COUNCIL** will be held in the Phoenix Chambers, Phoenix House, Tiverton on Wednesday, 14 December 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, 22 February 2023 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 the Zoom meeting here.](#)

Meeting ID: 892 5677 7445  
Passcode: 207836

One tap mobile

08003582817,,89256777445#,,,,\*207836# United Kingdom Toll-free

08000315717,,89256777445#,,,,\*207836# United Kingdom Toll-free

Dial by your location

0 800 358 2817 United Kingdom Toll-free

0 800 031 5717 United Kingdom Toll-free

0 800 260 5801 United Kingdom Toll-free

**STEPHEN WALFORD**

Chief Executive

6 December 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 5 - 22*)

To consider whether to approve the minutes as a correct record of the meeting held on 26 October 2022 and the Extraordinary Council Meeting held on the 1 December 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 **Notices of Motions**

### 8 **Reports** (*Pages 23 - 92*)

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

1. Cabinet
  - 1 November 2022
  - 29 November 2022
2. Scrutiny Committee
  - 21 November 2022
  - 12 December 2022 (To Follow)
3. Audit Committee
  - 22 November 2022
4. Environment PDG
  - 8 November 2022

5. Homes PDG
  - 15 November 2022
6. Community PDG
  - 22 November 2022
7. Economy PDG
  - 10 November 2022
8. Planning Committee
  - 2 November 2022
  - 30 November 2022

9 **Members Allowances and the Recommendations from the Independent Remuneration Panel** *(Pages 93 - 108)*

Report of the District Solicitor and Monitoring Officer.

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

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

11 **Special Urgency Decisions**

To note any decisions taken under Rule 16 (of the Constitution) Special Urgency.

12 **Questions to Cabinet Members**

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

13 **Members Business**

To receive any statements made and notice of future questions by Members.

Note: the time allowed for this item is limited to 15 minutes.

## Meeting Information

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

If you want to ask a question or speak, email your full name to [Committee@middevon.gov.uk](mailto:Committee@middevon.gov.uk) by no later than 4pm on the day before the meeting. This will ensure that your name is on the list to speak and will help us ensure that you are not missed. Notification in this way will ensure the meeting runs as smoothly as possible.

Please note that a reasonable amount of hardcopies at the meeting will be available, however this is a limited number. If you are attending the meeting and would like a hardcopy of the agenda we encourage that you notify Member Services in advance of the meeting to ensure that a hardcopy is available. Otherwise, copies of the agenda can be found on our website.

If you would like a copy of the Agenda in another format (for example in large print) please contact Andrew Seaman on: E-Mail: [aseaman@middevon.gov.uk](mailto:aseaman@middevon.gov.uk)

Public Wi-Fi is available in all meeting rooms.

# Public Document Pack Agenda Item 4

## MID DEVON DISTRICT COUNCIL

**MINUTES** of a **MEETING** of the **COUNCIL** held on 26 October 2022 at 6.00 pm

### **Present**

#### **Councillors**

R F Radford (Chairman)  
G Barnell, 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,  
Miss J Norton, S Pugh, D F Pugsley, Mrs E J Slade, C R Slade,  
Mrs M E Squires, L D Taylor, B G J Warren, A White, A Wilce,  
Mrs N Woollatt and A Wyer

### **Apologies**

#### **Councillors**

R J Chesterton, Mrs F J Colthorpe, B A Moore, S J Penny,  
R L Stanley and J Wright

### **Present**

#### **Officers:**

Stephen Walford (Chief Executive), Andrew Jarrett (Deputy  
Chief Executive (S151)) and Maria De Leiburne (District Solicitor  
and Monitoring Officer)

## 61 **APOLOGIES**

Apologies were received from Councillors: R J Chesterton, J Wright, D J Knowles, R L Stanley, B A Moore and S J Penny.

## 62 **PUBLIC QUESTION TIME**

A Question was received from Nick Quinn (a local resident):

My question is on agenda item 9 (reports) – specifically the cabinet meeting of 22 September and 4 October. At the September Cabinet meeting, a vote was taken to reject the call-in recommendation of the scrutiny committee. The resolution now shown in the minutes as “proposed by the Leader” is not what was voted on. 111 Words had been added to the 9 words that were actually put to the vote. The recording of that meeting provides proof of this. At the October Cabinet meeting, I asked for the minutes to be corrected. But, Cabinet agreed the minutes without correction and they were signed as being a true record.

At the end of the meeting, the Monitoring Officer spoke to advise that the rule for accuracy in the Council minutes did not apply to Cabinet. Adding words, after a vote has been taken should not happen. Honesty and integrity are basic principles in your code of conduct. When Cabinet Members passed these minutes as a true record of that meeting, it could be viewed as a breach of this code. This and the public admission that a rule on accuracy does not apply across the board, will affect public trust in this council.

So I ask: Chairman, will this Council please take action to ban the alteration of words after any vote has been taken?

The Chairman thanked them for their question and mentioned that this would be dealt with.

### 63 **DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT**

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

### 64 **MINUTES**

The minutes of the Full Council meeting held on 31 August 2022 were agreed as a correct record and signed by the Chairman.

### 65 **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman had the following announcements to make:

- That for Armistice Day, the Chairman would officiate in Tiverton, the Leader would officiate in Crediton and the Vice Chairman would lay a wreath in Cullompton.
- An Honorary Alderman ceremony had been planned for Monday 5 December at 6pm.
- The Chairman had attended the West Devon Borough Council Civic Service on Sunday 16<sup>th</sup> October and represented the Council.

### 66 **PETITIONS**

There were no petitions presented.

### 67 **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 was recommended that Council appointed Maria De Leburne as its Monitoring Officer on a permanent basis.

Members had discussed the following:

- That there was a need for a discussion to take place prior to a decision being made. The Chief Executive explained that the council were asked to designate the function of Monitoring Officer to a particular officer as a legal requirement.
- Clarification was sought over the recruitment process, to which the Chief Executive explained that following a job advertisement, an interview and appointment process was conducted.
- Concern was raised over whether the council were asked to rubberstamp or consider this decision. The Chief Executive explained that Members were asked to consider the designation of the Council's Monitoring Officer.

The Chairman **MOVED** that: Maria de Leburne be appointed as the Monitoring Officer on a permanent basis. Upon a vote being taken, the motion was declared to have been **CARRIED**.

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

## 68 NOTICES OF MOTIONS

### (1) MOTION 580 – (COUNCILLOR B WARREN – 9 OCTOBER 2022)

The Council had 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

It was added that the motion included that proposals be recorded as well as motions.

The **MOTION** was **MOVED** by Councillor B Warren and seconded by Councillor A Wilce.

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

- The importance of accuracy was expressed.

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

### (2) MOTION 582 – (COUNCILLOR A WILCE – 10 OCTOBER 2022)

The Council had 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

- i. Review the Remote Meetings Protocol, and also consider whether or not it should form part of the Constitution; and
- ii. 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

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

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

- That this protocol was introduced at the start of the pandemic and that remote meetings still had a place and that this motion enabled Councillors to review the protocol to ensure it remained fit for purpose.
- The District Solicitor and Monitoring Officer advised that the remote meetings protocol had not been used since May 2021 when the coronavirus regulations were lifted and that licensing meetings used the hybrid meeting protocol as these meetings fell under a separate piece of legislation. Therefore, it was advised that this motion should not go ahead as it would be illegal for remote meetings to be held with the exception of licencing as explained.
- It was expressed that there was a need for in person meetings in an effort for normality to be restored.
- That this motion was for the protocol to be reviewed by the Standards Committee.

The Motion was amended so that it read ‘hybrid meeting protocol’ in place of ‘remote meeting protocol’.

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



### **(3) MOTION 583 – (COUNCILLOR E Lloyd – 13 OCTOBER 2022)**

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

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

The **MOTION** was **MOVED** by Councillor Mrs E Lloyd and seconded by Councillor L Taylor.

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

- This motion had been prompted after talks with residents as well as national issues and for the issue to be better understood at a local level.
- There was a need for rivers in our local area to be better protected.
- That the motion was not specific to Mid Devon and that there was a plan with South West Water. In addition, the Scrutiny Committee had the ability to invite key officers from organisations to speak without the need of a motion.

- There was concern over increased officer workload.
- The council had a duty to do what they could on this matter and asking for a report to be compiled would allow for information to be in one place and support informed decisions.
- It was raised that the agricultural industry had to meet regulations on water pollution and that a lot had been done for this to be improved.
- That this was a relevant issue and Mid Devon was affected.
- That South West Water charged the highest for bills in the country and yet their environmental rating was only rated with 1 star. South West Water needed to improve their performance in this area. In addition, soil erosion as well as farming were also key polluters to rivers.
- That the motion had not specified a deadline for the requested report to be produced.
- It was raised that Mid Devon District Council did not own any rivers or seas but instead should support their improvement.
- There was concern over future housing developments and the increased sewage from these.
- South West Water and other organisations needed to do better and there was a need for the council to show they care.
- It was felt that the work asked of officers was achievable and would allow a dialogue to be opened between the Council and South West Water.
- The past year there had not been as much rain and more pollution in our rivers and that South West Water should be invited to speak at Scrutiny Committee

It was amended that the motion be changed in point 1 so that 'its rivers and seas' changed to 'the rivers and seas'.

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

## 69 **CABINET - REPORT OF THE MEETING HELD ON 6 SEPTEMBER 2022**

The Leader presented the report of the meeting of the Cabinet held on 6 September 2022.

### 1. Mid Devon as a Trauma Informed Council (Minute 50)

The Leader **MOVED**, seconded by Councillor C Slade:

**THAT** the recommendations of the Cabinet as set out in Minute 50 be **ADOPTED**

Following discussion and upon a vote being taken the **MOTION** was declared to have been **CARRIED**.

**Reason for the 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.

70 **CABINET - REPORT OF THE MEETING HELD ON 22 SEPTEMBER 2022**

The Leader presented the report of the meeting of the Special Cabinet held on 22 September 2022.

On minute 61, Councillor A Wilce asked who spoke the additional wording and if not, how they became to be contained in the minutes. To which the Leader would respond to in writing.

71 **CABINET - REPORT OF THE MEETING HELD ON 4 OCTOBER 2022**

The Leader presented the report of the meeting of the Cabinet held on 4 October 2022.

Consideration was given to:

- The report had been added as a supplement to the Council summons as it had not been available on the day the summons was published and that this was permitted under Local Government Act (access to information) 1985 s100b part 3.
- The minutes of the Cabinet held on 4<sup>th</sup> October 2022 were yet to be agreed as a true record and would be considered by Cabinet at its next meeting

1. Crediton Neighbourhood Plan (Minute 73)

The Leader **MOVED**, seconded by Councillor J Downes:

**THAT** the recommendations of the Cabinet as set out in Minute 73 be **ADOPTED**

Following discussion and upon a vote being taken the **MOTION** was declared to have been **CARRIED**.

**Reason for the Decision** – To make (adopt) the Crediton Neighbourhood Plan in order to meet the requirements of the relevant Acts and Regulations.

72 **SCRUTINY COMMITTEE - REPORT OF THE MEETING HELD ON 21 SEPTEMBER 2022**

The Chairman of the Scrutiny Committee presented the report of the meeting of the Committee held on 21 September 2022.

73 **SCRUTINY COMMITTEE - REPORT OF THE MEETING HELD ON 17 OCTOBER 2022**

The Chairman of the Scrutiny Committee presented the report of the meeting of the Committee held on 17 October 2022.

Consideration was given to:

- The report had been added as a supplement to the Council summons as it had not been available on the day the summons was published and that this was permitted under Local Government Act (access to information) 1985 s100b part 3.

The Chairman of Scrutiny took a moment to thank the Policy and Research officer for her invaluable work.

**74 AUDIT COMMITTEE - REPORT OF THE MEETING HELD ON 27 SEPTEMBER 2022**

The Chairman of the Audit Committee presented the report of the meeting of the Committee held on 27 September 2022.

**75 ENVIRONMENT POLICY DEVELOPMENT GROUP - REPORT OF THE MEETING HELD ON 11 OCTOBER 2022**

The Chairman of the Environment Policy Development Group presented the report of the meeting of the Committee held on 11 October 2022.

**76 HOMES POLICY DEVELOPMENT GROUP - REPORT OF THE MEETING HELD ON 28 SEPTEMBER 2022**

The Chairman of the Homes Policy Development Group presented the report of the meeting of the Committee held on 28 September 2022.

**77 COMMUNITY POLICY DEVELOPMENT GROUP - REPORT OF THE MEETING HELD ON 27 SEPTEMBER 2022**

The Chairman of the Community Policy Development Group presented the report of the meeting of the Committee held on 27 September 2022.

**78 ECONOMY POLICY DEVELOPMENT GROUP - REPORT OF THE MEETING HELD ON 29 SEPTEMBER 2022**

The Chairman of the Economy Policy Development Group presented the report of the meeting of the Committee held on 29 September 2022.

**79 PLANNING COMMITTEE - REPORT OF THE MEETING HELD ON 7 SEPTEMBER 2022**

The Chairman of the Planning Committee presented the report of the meeting of the Committee held on 7 September 2022.

**80 PLANNING COMMITTEE - REPORT OF THE MEETING HELD ON 5 OCTOBER 2022**

The Chairman of the Planning Committee presented the report of the meeting of the Committee held on 5 October 2022.

**81 STANDARDS COMMITTEE - REPORT OF THE MEETING HELD ON 19 OCTOBER 2022**

The Chairman of the Standards Committee presented the report of the meeting of the Committee held on 19 October 2022.

Consideration was given to:

- The report had been added as a supplement to the Council summons as it had not been available on the day the summons was published and that this was permitted under Local Government Act (access to information) 1985 s100b part 3.

82 **APPOINTMENT OF COMMITTEES, SUB-COMMITTEES, WORKING GROUPS AND OTHER INTERNAL BODIES**

**Arising thereon:-**

**Appointment of Committees, Policy Development Groups, certain Working Groups and other Council Bodies**

The following recommendation had been put before the council

- 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 and Policy Development Groups, 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, Policy Development Groups, 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

Councillor B Warren **MOVED** an **AMENDMENT**, seconded by Councillor Mrs N Woollatt:

That subject to amending the allocation of seats for Non-Aligned Group on Standards Committee from 1 to 2 and amending the allocation of seats on Economy PDG from 2 to 1. This would result in the surplus seat from Economy PDG to be left for ungrouped members to be appointed to instead of Standards.

Upon a vote being taken the **AMENDMENT** was declared to have been **CARRIED** and the following **APPROVED**:

- a) that the Council approve the allocation of seats on Committees and other Council Bodies as shown on the schedule; **subject to amending the allocation of seats for Non-Aligned Group on Standards Committee from 1 to 2 and amending the allocation of seats on Economy PDG from 2 to 1 This will result in the surplus seat from Economy PDG to be left for ungrouped members to be appointed to instead of Standards.**
- 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

Councillor Mrs E Lloyd **MOVED** an **AMENDMENT**, seconded by Councillor L Taylor:

That the Planning Committee seat allocation be reduced for the Green group by 1 and increased for the Liberal Democrat group allocation by 1 and Environment PDG be increased for the Green group allocation by 1 and decreased the Liberal Democrat group allocation by 1.

**Upon a vote being taken the AMENDMENT was declared to have been CARRIED and the following APPROVED:**

- a) that the Council approve the allocation of seats on Committees and other Council Bodies as shown on the schedule; subject to amending the allocation of seats for Non-Aligned Group on Standards Committee from 1 to 2 and amending the allocation of seats on Economy PDG from 2 to 1 This will result in the surplus seat from Economy PDG to be left for ungrouped members to be appointed to instead of Standards. **As well as subject to amending the allocation of seats on: Planning Committee by reducing the Green group allocation by 1 and increasing the Liberal Democrat group allocation by 1 and Environment PDG by increasing the Green group allocation by 1 and decreasing the Liberal Democrat group allocation by 1.**
- 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



The District Solicitor and Monitoring Officer asked the ungrouped Members who would sit on the seats that remained.

After Members discussed the remaining seat allocation for the ungrouped Members, Councillor N Davey **MOVED**, seconded by Councillor J Downes that:

- Councillor Evans would sit on Audit Committee, Homes, Economy PDG and the Electoral Review Committee.
- Councillor Pugsley would sit on the Licensing Committee, Regulatory Committee and Community PDG.
- Councillor Moore would sit on the Planning Committee.

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

### 83 **QUESTIONS IN ACCORDANCE WITH PROCEDURE RULE 13**

There were no questions submitted under Procedure Rule 13.2.

### 84 **SPECIAL URGENCY DECISIONS**

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

### 85 **QUESTIONS TO CABINET MEMBERS**

Councillor B Holdman asked the Cabinet Member for the Working Environment and Support Services If the opening hours for Phoenix House could be reviewed, to which the Cabinet Member noted this and asked if specific requests could be sent to him.

Councillor G Barnell asked the Leader if the 3 Rivers Developments Ltd item would be on the upcoming Cabinet agenda on 1 November 2022. The Leader explained that that this report had been delayed and was due to go to Cabinet on 29 November 2022.

It was then asked if this report would be presented to Scrutiny and Audit Committee, to which the Leader explained that this would be the case.

Councillor Wilce asked the Leader if he accepted that words not spoken should not be minuted as part of the minutes of the Cabinet meeting that had taken place on 22 September 2022. In addition, it was asked if he would refer himself to the Standards Committee for breaching the Nolan Principles or would he resign. To which the Leader explained he would not resign, nor refer himself to the Standards Committee and that those minutes would be looked into.

Councillor Wilce suggested that there was a history of denying the truth with this administration and that this was not the first time incorrect minutes had been agreed and becoming less transparent. He also challenged that officers not had followed the constitution and that copies of agendas had not been available. He claimed that the £2m loaned to 3 Rivers Development Ltd went against the constitution as well as documents added to agendas with less than 5 clear days notice. It was asked if this administration was corrupt or badly managed, led and advised.

The Leader recommended that he attended a meeting a meeting on 14 November where his concerns could be discussed.

## 86 MEMBERS BUSINESS

Councillor Dolley thanked officers for their work on the new refuse schedule.

Councillor Deed raised that work was being done by Network Rail at both the Cullompton and Wellington station, with both stations to be opened in 2025. He had informed that it was unlikely that planning permission was required for the Cullompton Station.

Councillor Deed also raised that the rise in inflation had put pressure on Councils, which had meant that Councils had been charged to prioritise public expenditure. It was unclear how public services would be financed over the longer term. Multiple financial pressures had resulted in pressures on service provision, in addition, costs had risen dramatically. So much so that £1m of unforeseen costs had been added to this financial year (2022/23) which had meant that financial planning was underway for the forthcoming years.

The Leader encouraged Members to partake in PDG meetings so that the Council could collaboratively find solutions. In addition, the LGA had offered a facilitated training session on 14 November and asked Members if they could attend.

Finally, the Leader mentioned that for the last 3 years he had been the local authority Governor for the South West Ambulance Service NHS Foundation Trust, which ended recently. They were looking for a new Governor to represent them for the next 3 years.

Councillor Eginton welcomed back Councillor Colthorpe who had attended a meeting last week.

Councillor Warren raised that the change over to the waste collection schedule was working and praised the waste operatives.

Cllr Wilce raised that the minutes of the Regulatory Sub Committee A were not discussed, however, the Monitoring Officer explained that this had been added in error and that sub-committee minutes were not brought to Full Council.

Councillor Slade thanked staff and reminded Members there were FAQs on the Council's website and that residents should be referred to these. It was also raised if Members should stand or sit when Members addressed the Chairman, although this had stopped during the pandemic it was felt that this should be reintroduced.

Councillor Dolley agreed and asked the chairman to remind everyone at the next meeting.

Councillor Burke raised that Tiverton Town Council had entered the In Bloom competition, which resulted in the community orchard being awarded a level 5 and maintained its gold standard for the fifth time.

(The meeting ended at 20:11)

**CHAIRMAN**



# Public Document Pack

## MID DEVON DISTRICT COUNCIL

**MINUTES** of a **MEETING** of the **COUNCIL** held on 1 December 2022 at 6.00 pm

### **Present**

#### **Councillors**

R F Radford (Chairman)  
J Bartlett, E J Berry, W Burke, R J Chesterton, S J Clist,  
Mrs C Collis, D R Coren, N V Davey, Mrs C P Daw, R M Deed,  
R J Dolley (Vice Chairman), C J Eginton, R Evans, P J Heal,  
B Holdman, D J Knowles, B A Moore, 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, Mrs N Woollatt and J Wright

### **Apologies**

#### **Councillors**

G Barnell, J Buczkowski, J Cairney, Mrs F J Colthorpe,  
L J Cruwys, J M Downes, Mrs S Griggs, F W Letch,  
Mrs E J Lloyd, Miss J Norton, S J Penny, A White, A Wilce and  
A Wyer

## 87 **Apologies**

Apologies were received from Cllrs G Barnell, J Cairney, J Downes Mrs F J Colthorpe, Miss E Lloyd, Miss J Norton, F W Letch, A Wilce, A Wyer, S J Penny, A White, J Buczkowski and Mrs S Griggs.

## 88 **Public Question Time**

The Chairman read out the following statement from Susan McGeever:

Halberton Parish Council seeks to look after all its parishioners throughout this large, historic, and predominantly, rural parish.

The newsletter is delivered to all households and issues raised are dealt with expediently - speeding concerns at Lucombe Park, uncut verges, dirty bus shelters, potholes, parking issues at Mid Devon Business Park, disruption caused when the A361 is closed, concerns over AD plants or solar panel farms or the ability to walk to work at Hitchcocks from both Uffculme and Willand.

Halberton Parish Council considers all planning applications based on the 'material planning considerations' and is not adverse to raising questions, asking for conditions or requesting that an application is called in. Ultimately though, it is MDDC Planning Officers and Planning Committee who make the decisions.

In addition, Halberton Parish Council has reached out to its neighbours on issues that affect the combined area such as standardised speed limits throughout.

Last year, the District Boundaries Commission Review, saw Uffculme and Willand ask for changes particularly in relation to the parish of Halberton. The Boundaries Commission rejected these requests on the premise that it would unbalance the numbers.

A year later, the Parish Boundary Review committee is asking for the same changes. So before making your decision ask yourselves: Who was on the Parish Boundary Review committee?

Does the number of responses reflect the majority of the population of the three parishes (6534)? And, how many of those responses came from residents within the parish of Halberton?

Would MDDC Planning Officers or the Planning Committee have come to a different conclusion on any planning application if Uffculme or Willand Parish Council had objected? Will the next step be to invoke Clause 61 of the District Boundaries Commission Review?

Having considered the questions above, if the Council is mindful to adopt one of the three Options put forward, I for one would hope that those individuals who specified they wished to remain in the Parish of Halberton will be allowed to do so.

Ian Batchelor, Chairman of Halberton Parish Council stated:

It's been ongoing for a number of years where neighbouring parishes have been wanting to exert an influence and create a degree of control over our parish and we would like to retain as much of that parish boundary for historical reasons and for the fact that we feel serve all our parishioners very well. The boundary commission and committee that was set up a little while ago, I've made representations to with written reports to show how well we have performed but to no avail, it seems to have been that amendments have been put in place to allow chunks of the parish to go.

If we look at it in the same way, how would certain Members feel if say Hemyock would disappear to Somerset? Just because we feel that there is a more general pull for people in Hemyock to go towards Wellington, is that a good scenario? I don't think it would be, because we want to retain our boundaries as they are, not what people would like them to be, there's enough of that going on in the world as it is.

We worked and were pragmatic and happy to succeed certain areas of the parish where boundary lines cross through housing estates or Mid Devon Business Parks and were quite pragmatic to allow those. But the overall expansion of neighbouring parishes taking parish land which is not with consent I feel that the Committee should look at that and bear that in mind when they are voting on the amendments that are taking place.

The Chairman stated that written responses would be provided.

## 89 **Declarations of Interest under the Code of Conduct**

Cllr B G J Warren declared a personal interest as he was the current Chairman of Willand Parish Council.

## 90 **Chairman's Announcements**

The Chairman reminded Members of the Honorary Alderman Ceremony taking place on 5<sup>th</sup> December.

## 91 Notices of Motions

1. Motion 584 (Councillor R Radford – 9 November 2022)

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

"In the interest of a compromise, Halberton Parish wish to confirm acceptance of options 1 & 2 and that option 3 should be withdrawn"

In accordance with procedure rule 16.6 Cllr R Radford requested that the **MOTION** be **WITHDRAWN**

## 92 Electoral Review Committee - Parish Review

The Chairman of the Electoral Review Committee thanked Members, Officers and public who had contributed to the review and stated that there had been a large number of responses and strong recommendations made.

Council then dealt with the recommendations set out in the report as follows:

Cllr L Taylor **MOVED**, seconded by Cllr B G J Warren that:

(a) Recommended that given the number of electors within the Yeoford ward of the parish, it was proposed that the number of parish councillors for that ward be increased from 5 to 7.

Cllr D R Coren spoke and stated that the number of parish councillors within the Yeoford ward should not be increased as there would not be sufficient parish councillors to represent the remaining parish which was large and very rural.

Consideration was given to:

- Crediton Hamlets did not want to see an increase in Yeoford parish councillors
- The rural areas of a parish also needed to be represented

Cllr D R Coren **MOVED** an **AMENDMENT**, seconded by Cllr B Deed, in accordance with procedure rule 16.5 that:

(a) Recommended that the proposed number of parish councillors for Yeoford ward remained at 5

Upon a vote being taken on the original **RECOMMENDATION**, it was declared to have **FAILED**. Therefore Yeoford ward remained at 5 Parish Councillors.

Cllr Taylor **MOVED**, seconded by Cllr S J Clist that:

(b) Recommended that the Council approve Option 3 be put into effect as follows (Appendix 1):- "Move from Halberton Parish to Uffculme Parish - Lucombe Park, together with Hitchcocks and Langlands Business Parks, and the area north east of Bridwell Avenue, plus moving from Halberton Parish to Willand Parish - the Mid Devon Business Park."

Consideration was given to:

- The business park affected Willand and Uffculme more than Halberton
- Residents of Halberton did state their views and some Members could not support option 3

Councillor R F Radford **MOVED** an **AMENDMENT**, seconded by Cllr C Slade that:

(b) Recommended that Council approve Options 1 & 2 be put into effect as follows:

Option 1 – Lucombe Park move from Halberton to Uffculme and the Mid Devon Business Park move from Halberton to Willand.

Option 2 – Option 1 (as set out above) together with the area north east of Bridwell Avenue be moved from Halberton to Uffculme

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

Cllr Taylor **MOVED**, seconded by Cllr S J Clist that:

(c) Recommended that the Council request the Local Government Boundary Commission for England for a related alteration, in order to put into effect the boundary changes to the district wards of Halberton and Lower Culm.

(d) Recommended that the boundary changes proposed as per submission 33 be accepted with the amendment that the boundary followed the road north of The Orchard so that The Orchard be part of Cheriton Bishop Parish Council (Appendix 2/3/4).

(e) Recommended possibility of merging of Nymet Rowland and Lapford parishes be further considered at a future time (Appendix 6).

(f) Recommended that arising from the consultation with parish councils, the following changes were to be recommended by the ERC for approval by the Council.

(g) Bradninch (Rural Ward) be reduced from 2 to 1

(h) Bradninch (Town Ward) be increased from 10 to 11

(i) Burlescombe be reduced from 9 to 7

(j) Coplestone be increased from 7 to 9

(k) Crediton Hamlets (Yeoford Ward) be increased from 5 to 7

(l) Silverton (North Ward) be reduced from 2 to 1

(m) Silverton (Village Ward) be increased from 9 to 10

(n) Willand be increased from 11 to 12

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

## 93 Seating Allocations

The District Solicitor and Monitoring Officer confirmed that since the last allocation had been agreed there had been requests from Political Groups and Non Aligned Members to gift and swap seats on various Committees. Because the changes could affect the political balance the changes would need to be agreed by Council. Any changes to the political balance would need to be a unanimous vote.

Cllr R Deed **MOVED** an **AMENDMENT**, seconded by Cllr L Taylor, that

1. That Cllr W Burke transfers from the Scrutiny Committee to the Audit Committee and Cllr R Radford transfers from the Audit Committee to the Scrutiny Committee.
2. That Cllr A Moore remained on the Planning Committee.

Upon taking a vote, the **AMENDMENT** had **FAILED** as this was not a unanimous vote.

### Note:

- Cllrs Mrs N Woollatt and B G J Warren requested that their votes against the decision be recorded

Cllr R Chesterton **MOVED**, seconded by Cllr B A Moore that:

1. That Cllr W Burke transfers from the Scrutiny Committee to the Audit Committee and Cllr R Radford transfers from the Audit Committee to the Scrutiny Committee.
2. That Cllr A Moore gifts his seat on the Planning Committee to Cllr R Radford.

Consideration was given to:

- The seats on Scrutiny and Audit Committees would revert back to what they were before the last allocation
- Some Members views that the Planning Committee was non political and therefore would not affect the political balance
- Some Members felt that both changes would affect the political balance on the Committees and could not be supported

Upon a vote being taken the **MOTION** was declared to have **FAILED** as this was not a unanimous vote.

### Note:

- Cllrs Mrs N Woollatt and B G J Warren requested that their votes against the decision be recorded.
- The District Solicitor and Monitoring Officer would provide a written response to confirm the political balance regarding the Scrutiny and Audit transfer.

(The meeting ended at 7.17 pm)

**CHAIRMAN**

This page is intentionally left blank

# Public Document Pack Agenda Item 8

## MID DEVON DISTRICT COUNCIL

**MINUTES** of a **MEETING** of the **CABINET** held on 1 November 2022 at 10.00 am

### **Present**

#### **Councillors**

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

### **Also Present**

#### **Officers:**

Stephen Walford (Chief Executive), Andrew  
Jarrett (Deputy Chief Executive (S151)), Richard  
Marsh (Director of Place) and Maria De Leiburne  
(District Solicitor and Monitoring Officer)

#### **76. APOLOGIES**

None received.

#### **77. PUBLIC QUESTION TIME**

None received.

#### **78. DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT**

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

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

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

#### **80. UPDATE FROM THE CABINET MEMBER FOR CONTINUOUS IMPROVEMENT**

The Cabinet Member for Continuous Improvement informed the meeting that the Tracker continued to be updated. In addition she noted; that there had been positive feedback from the Department for Work and Pensions regarding the administration of benefits and that Revenues & Benefits officers had been trained to be generic in order for customer services to be improved. In addition, a Revenues Information Officer role had been piloted in order to reduce "avoidable contact" this also improved customer service.

With regard to planning enforcement there were 74 pre 2022 cases, with 293 open enforcement cases. Since April 2022 255 cases had been closed and 227 opened.

The Cabinet Member raised awareness of the 3CX software that allowed Members to contact officers and residents more easily and encouraged Members to use it.

There were 180 abandoned vehicles reported in Q2, 46 required action to be taken.

In regards to parking enforcement, Q2 reported a 52% collection rate with 863 PCNs paid, 202 written off and 317 outstanding.

Litter patrols had taken place, with a particular focus on Crediton, Cullompton and Tiverton town centres. Street cleansing and inspections had been completed in Tiverton, Crediton and Cullompton, with funding received and machinery procured for gum removal.

## 81. MEDIUM TERM FINANCIAL PLAN

The Cabinet were presented with a report from the Deputy Chief Executive which updated Members on the updated Medium Term Financial Plan (MTFP) which covered the period 2023/24 to 2027/28 and accounted the Council's key strategies (i.e. the Corporate Plan, Business Plans, Treasury Management Plan, Asset Management Plan, Work Force Plan and Capital Strategy) and demonstrated it had the financial resources to deliver the Corporate Plan. This modelled potential changes in funding levels, new initiatives, unavoidable costs and proposed service savings.

Consideration was given to:

- That Members took an active role in the forthcoming PDG meetings, for the budget process.
- That every year there seemed to be a budget gap. There was a need to have a strategy and for the gap to be managed. It was felt that the PDGs were compartmentalised and there was a need for a more holistic approach.
- This exercise was to support the council in this financial year and through to the MTFP and that Member's input would be welcomed.
- A top down approach of setting the scene was applied with a bottom up strategy where Members could feedback through the PDGs due to the complex nature of the budget.
- There was no mention of 3 Rivers Development Ltd in the report.

Officers provided a response stating that the Council was in a very challenging position and noted that other local authorities had similar budget gaps. The Council's cost base had risen between 10 – 15% with income figures having not fully recovered post pandemic. They agreed that a strategy was needed but also every service needed to be assessed. In addition, officers had engaged with Members as well as residents to be part of this process.

**RESOLVED:** That

- Note the updated MTFP's for the General Fund and Housing Revenue Account and the updated Capital Programme all covering the five years 2023/24 to 2027/28 and endorse the proposals outlined in paragraphs 5.6, 5.7 and 6.2 as the approach to balancing the General Fund Revenue Budget.
- Seek recommendations from the Policy Development Groups on the appropriate fees for Services to charge and the services areas where savings should be sought and to what level.

(Proposed by Cllr B A Moore, seconded by Cllr C Slade)

**Reason for decision** – As stated in the report.

## 82. REVIEW OF DEVELOPMENT MANAGEMENT - DISCRETIONARY FEES

The Cabinet were presented a report from the Director of Place which advised Members of the proposal to increase the fees associated with our current pre-application service in addition to introducing a range of new charges relating to discretionary services currently provided by the Planning department. As pressure on the Council's budget continued to increase, the introduction of these charges will assist this key service area to maintain the level of service provided to our customers whilst managing the cost to the Council of providing these services. It will also bring Mid Devon more in to line with similar district councils within the wider Devon and South West geography.



It was highlighted that:

- The current pre-application fees had not been reviewed since 2020 and benchmarking exercises revealed that Mid Devon was charging far less than other Local Planning Authorities' in the region.
- This would support staff levels and resource. In addition, the current planning duty service be stopped which would allow officers to spend more quality time on chargeable pre-application enquires.

Consideration was given to:

- There was a need for revenues to be improved
- It was asked if these fees were capped.

Officers provided a response by stating that the fees were not capped, however, because there was a competitive dynamic there was a need to not make services too expensive. This report would bring the Council in line with neighbouring authorities, which meant this council remained competitive, reasonable and to sustain a viable service.

**RESOLVED:** That

- That the proposed fees and charges set out in Appendix 1 of this report be introduced from 15 November 2022
- That the duty planning service be removed from 15 November 2022.
- That future increases to discretionary fee charges to be delegated to the Director of Place in conjunction with the Cabinet Member for Planning and Economic regeneration.

(Proposed by Cllr R Chesterton, seconded by Cllr B A Moore)

**Reason for decision** – as stated in the report.

### 83. **CREDITON MASTERPLAN - PROCUREMENT**

The Cabinet were presented a report from the Director of Place which sought Members approval for commissioning consultants to assist in the preparation of a Crediton Town Centre Masterplan Supplementary Planning Document (SPD) and Delivery Plan; and also sought Members endorsement of the geographic scope for the Crediton Masterplan Supplementary Planning Document.

It was highlighted that:

- This work had been delayed due to the Covid-19 Pandemic but could now be resumed. This had provided an opportunity to reflect on additional challenges such as cost of living and climate change.
- St Saviour's Way Car Park was now included within the study area which also enabled a review of the car parking as part of this study.

Consideration was given to:

- There was a need for a clear implementation plan. In addition, there was a need to make Crediton a place to visit for those that lived in the surrounding areas.
- Crediton is a hub for the Wards that surround the town.

**RESOLVED:** That

- That delegated authority be given to the Director of Place, in consultation with the Cabinet Member for Planning and Economic Regeneration, to engage consultants to

assist with the preparation of a Crediton Town Centre Masterplan and Delivery Plan;  
and

- That the geographic scope in Appendix 1 be approved.

(Proposed by Cllr R Chesterton, seconded by Cllr S Penny)

**Reason for decision** – as set out in the report.

#### 84. **NOTIFICATION OF KEY DECISIONS**

**RESOLVED:** That the notification of Key Decisions be noted.

(The meeting ended at 11.09 am)

**CHAIRMAN**

# Public Document Pack

## MID DEVON DISTRICT COUNCIL

**MINUTES** of a **MEETING** of the **CABINET** held on 29 November 2022 at 10.00 am

### **Present**

#### **Councillors**

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

### **Also Present**

#### **Councillors**

R Dolley, B Holdman

### **Also Present**

#### **Officers:**

Stephen Walford (Chief Executive), Andrew Jarrett (Deputy Chief Executive (S151)), Richard Marsh (Director of Place), Maria De Leburne (District Solicitor and Monitoring Officer), Andrew Busby (Corporate Manager for Property, Leisure and Climate Change), Simon Newcombe (Corporate Manager for Public Health, Regulation and Housing), Paul Deal (Corporate Manager for Finance) and Darren Beer (Operations Manager for Street Scene)

## 85. **APOLOGIES**

There were none.

## 86. **PUBLIC QUESTION TIME**

There were none.

## 87. **DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT**

None declared.

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

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

## 89. **Q2 FINANCIAL MONITORING**

The Cabinet were presented a financial update in respect of the income and expenditure so far in the year.

The following was highlighted:

- As at Quarter 2 it was projected that the general fund would be £504,000 overspent, however, this should be reduced when Government payments would be received. In addition, the HRA to be £122,000 underspent.
- The Capital Programme had a variance of £3.67m against the 2022/23 deliverable budget.
- The full agreed pay award was now included within the budget.
- Agency expenditure continued to be high.
- Leisure had shown signs of recovery but remained lower than budgeted, car parking was ahead of budget with planning and waste expected to exceed expectations.
- The overspend within the Capital Programme related to Shapland Place, this was due to increased costs.

- The majority of the slippage related to 3 Rivers Development Ltd future projects as they complete on the live projects of St Georges and Bampton.

The following was discussed:

- The £504,000 had no provision for the energy rebate scheme.

**RESOLVED:** That the report be noted.

## 90. PERFORMANCE AND RISK

Cabinet were provided an update on performance against the corporate plan and local service targets for quarter 2 (2022/23) and had been updated on strategic risks.

**RESOLVED:** That the report be noted.

## 91. 3 RIVERS DEVELOPMENT LTD - VERBAL UPDATE

The Leader of the Council gave a verbal update on 3 Rivers Development Ltd, which highlighted that 3 Rivers Development Ltd were to produce a 5 year business plan for consideration and approval by Cabinet each autumn with a recommendation sent from Cabinet to Full Council as part of the annual budgetary process. Due diligence exercises had taken place with the necessary departments within the council as well as external auditors. The business plan was also presented to the Audit and Scrutiny Committee, the business plan would be presented to Cabinet at the next meeting due to take place on 3 January 2023.

**RESOLVED:** That the verbal update be noted.

## 92. MID YEAR TREASURY MANAGEMENT REPORT

A report was presented to inform the Cabinet of the treasury performance during the first six months of 2022/23, to agree the ongoing deposit strategy for the remainder of 2022/23 and a review of compliance with Treasury and Prudential Limits for 2022/23.

The following was highlighted:

- The forecasted treasury outturn had shown a better return compared to what had been budgeted, due to a higher return from temporary investments and a reduction in forecasted borrowing costs.
- The position had evolved over the course of the year as interest rates increased.
- Returns on investments had exceeded expectations.

The following was discussed:

- In regards to the schedule of short term investment deposits, more information would be provided to Cabinet.

**RESOLVED to RECOMMEND:**

1. That Cabinet recommends to Council that a continuation of the current policy outlined at paragraphs 6.0 – 6.2 be agreed.
2. That Cabinet recommends that Council approves the changes to the Capital Financing Requirement, Operational Boundaries and Authorised Limits for the current year at paragraphs 4.4 – 4.5.

(Proposed by Cllr R M Deed, seconded by Cllr D J Knowles)

Reason for decision – as set out in the report.

**93. NW CULLOMPTON MASTERPLAN SPD**

A report was presented to inform Cabinet of the outcome of the public consultation and the draft masterplan that had subsequently been produced taking these comments into account and to seek a recommendation to Council to adopt the revised North West Masterplan Supplementary Planning Document (SPD).

The following was highlighted:

- A public consultation had taken place between 27 June and 8 August 2022. Details of the consultation are set out in the report.
- Following the public consultation, a number of revisions were made to the Masterplan.
- The revised draft Masterplan included as Appendix 2 was taken to Planning Policy Advisory Group on 7 November 2022, with no recommended changes proposed.

**RESOLVED:**

- That Members note the comments received at the Stage 2 public consultation (Appendix 1) and proposed changes as a result.
- That the Cabinet recommend to Council that the Masterplan Supplementary Planning Document for North West Cullompton (Appendix 2) is adopted.

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

Reason for decision – as set out in the report.

**94. TIVERTON NEIGHBOURHOOD PLAN - DECISION TO ADOPT (SUBJECT TO REFERENDUM RESULT)**

A report was presented which recommended to make (adopt) the Tiverton Neighbourhood Plan in order to meet the requirements of the relevant Acts and Regulations.

The following was highlighted:

- 84.55% voted in favour of the Tiverton Neighbourhood Plan which had given the plan the same legal status as a local plan.
- The Council must now formally adopt the plan as soon as reasonably practicable. Unless the Council thought breach EU obligations or human rights obligations.
- There were 9 conservation areas not 2, however this had affected the policies within the neighbourhood plan.

The following was discussed:

- A lot of hard work had been put into the neighbourhood plan. The factual error was disappointing but had been rectified.
- The turnout could have been better and that the communications could have been improved, however there may have been voting fatigue. Press releases were undertaken through various channels.

## **RESOLVED to Recommend:**

To Council that:

1. The Tiverton Neighbourhood Plan (Appendix 1) is 'made' (adopted) and brought into force as part of the statutory development plan for the Tiverton area.
2. The Tiverton Neighbourhood Plan Adoption Decision Statement (Appendix 2) is published to meet the publicity requirements in the Regulations.
3. Officers notify Tiverton Town Council of the factual error in relation to the number of Conservation Areas referred to in the Neighbourhood Plan to allow the Town Council to clarify this matter alongside the final document.

## **95. CLIMATE CHANGE ACTION PLAN UPDATE**

The Cabinet were present a report which provided an update on the Climate Action Plan (CAP) and the wider Climate and Sustainability Programme.

The following was discussed:

- If a carpool hire scheme would be progressed. This had been reviewed and an updated would be provided to the Environment PDG in due course.

## **RESOLVED:**

1. That the team with delegated authority (13 May 2021 Cabinet decision) lead next steps with regard to Environment PDG input regarding options for green travel hire schemes.
2. That Environment PDG consult with Corporate Management Team (CMT) to formulate a method for a Climate and Sustainability Statement that can be consistently applied to all business cases. Feedback to inform a Recommendation to Cabinet.
3. That Environment PDG and Net Zero Advisory Group (NZAG) consult with CMT and the C&S Specialist to devise a consistent approach to climate change impact statements noted on committee reports. Feedback to inform a Recommendation to Cabinet.

(Proposed by Cllr C Slade, seconded by Cllr C Daw)

Reason for decision – as set out in the report.

## **96. INFRASTRUCTURE FUNDING STATEMENT**

The Cabinet were presented a report which sought approval for the list of Infrastructure items, with affordable housing to be included in the Council's Infrastructure Funding Statement, which was required to be published on the Council's website by 31 December 2022.

The following was highlighted:

- There was a legal requirement for Council to publish the infrastructure funding statement by the end of 2022.

- The preparation of a new Local Plan for Mid Devon ('Plan Mid Devon') would provide an opportunity for the infrastructure needed to support new development where this is planned across the district to be reviewed.
- The Planning Policy Advisory Group had consulted on the Infrastructure List.
- This list would continue to be reviewed.

**RESOLVED:**

1. The list of infrastructure and affordable housing in Appendix 1 that the Council intends to fund, either wholly or partly, by planning obligations and the future spending priorities on these
2. The inclusion of Appendix 1 – Infrastructure List in the Mid Devon Infrastructure Funding Statement to be published on the Council's website by 31st December 2022.

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

Reason for decision – as set out in the report.

**97. CREDITON SHOPFRONT SCHEME**

Cabinet were presented a report which informed Members about the new Crediton Shopfront Enhancement Scheme launching in December 2022 and to request approval for the revised Scheme.

The following was highlighted:

- Reserves were earmarked to fund a new Shopfront Enhancement Scheme in Crediton that will mirror the Scheme launching in Tiverton.
- The scheme offered a single grant up to £2,500 with the requirement for 50% match-funding of the total project costs.
- There would be an open-application approach with no set deadlines throughout the year, meaning applications would be determined on their own eligibility and merit on first-come, first-served basis.
- This provided all our three market towns in the district with a shopfront enhancement scheme available to the businesses within their highstreets.

The following was discussed:

- That the scheme would be beneficial for Crediton.

**RESOLVED:**

That the new Crediton Shopfront Enhancement Scheme be approved by the Cabinet and three Crediton Ward Members are nominated to be part of the Funding Panel for the Scheme.

(Proposed by Cllr R Chesterton, seconded by Cllr S Penny)

Reason for decision – as set out in the report.

## 98. HRA CCTV POLICY

The Cabinet were presented a new draft policy that had set out the conditions associated with the granting of permission for tenants to install closed circuit television systems (CCTV) and camera doorbells in or on their property. This had been developed on the basis that such a policy would provide greater clarity to stakeholders and ensured that those tenants fitting such systems were doing so lawfully, recognising the obligations on tenants to ensure compliance.

The following was highlighted:

- There was no conflict between this policy and Mid Devon District Council's corporate policy on CCTV.
- This policy was to provide a mechanism to manage requests for installations and ensure tenants are aware of the requirement to comply with the relevant legislation especially regarding data protection.

The following was discussed:

- This policy reflected modern life and the Council must be seen to be complying with the law and well as supporting vulnerable tenants.
- If existing systems in place would be reviewed. All current installations would be reviewed and those systems already installed would need to comply with this policy.
- Enforcement of this policy would be a challenge however the policy provides a clear reference point for decision-making.

### **RESOLVED to RECOMMEND:**

That Cabinet recommend to Council the adoption of the Tenant CCTV and Camera Doorbell Policy attached in Annex 1.

(Proposed by Cllr S Penny, seconded by Cllr C Daw)

Reason for decision – as set out in the report.

## 99. HRA FEES AND CHARGES

The Cabinet were presented a report which provided Members with the revised fees and charges for the discretionary functions provided under the HRA. The Council had not increased the fees and charges for these services for some years and they required updating.

The following was highlighted:

- The fees should be reviewed more frequently, however recommendation 2 provides for annualised updates to the fees based on inflation
- Land registry search fee reduced.

### **RESOLVED:**

1. That Cabinet approve the revised discretionary fees and charges for 2022/23 as set out in Annexes 1, 2 and 3.
2. That Cabinet approve an annual Consumer Prices Index (CPI) inflation adjustment (within the range 2 – 10%) for discretionary fees and charges to be applied on the 1st



April every year (in addition to the in-year recommendations set out in Annexes 1, 2 and 3)

(Proposed by Cllr S Penny, seconded by Cllr C Daw)

Reason for decision – as set out in the report.

## 100. PRIVATE SECTOR HOUSING FEES AND CHARGES

The Cabinet were presented a report which provided Members with the revised fees and charges for locally-set Private Sector Housing statutory functions delivered by the Public Health and Housing Options Service. The report also outlined the fees and charges for non-locally set fees in the same service area which were not subject to change but for which an updated policy on financial penalties applies in some areas as set out.

The following was highlighted:

- Though there were increases in charges there was no profiting element to these charges.

### **RESOLVED:**

1. That Cabinet approve the revised locally-set fees and charges as set out in Annexes 1 and 2.
2. That the Homes PDG recommends that Cabinet approve the revised Policy on the Use of Financial Penalties in Annex 4.

(Proposed by Cllr S Penny, seconded by Cllr D J Knowles)

Reason for decision – as set out in the report.

## 101. RECYCLING OPTIONS PAPER

Cabinet were presented a report which outlined the recycling options following the delivery of three weekly residual waste collections, which commenced in the District on the 10 October 2022. This report reviewed the need to increase recycling in the District in line with government guidelines to recycle 65% of household waste by 2035 and Devon's proposed 60% target rate by 2025. This report described possible future weekly recycling collection arrangements and their implications.

The following was highlighted:

- A weekly recycling schedule would put Mid Devon District Council in line with other districts across the county. However, there were cost implications which would result in an additional £1.4m cost.
- A move to a larger depot would be required with an increased investment in additional staff and vehicles.
- A trial would be needed and this was expected to cost circa £30,000.
- There was an awareness of the current financial situation.

The following was discussed:

- This was welcomed and had shown that this matter had been taken seriously.
- The storage of recycling had proven to be problematic.
- A trial would be sensible and welcomed.

**RESOLVED:**

1. That Cabinet reviewed the information in this report along with any potential future implementation of weekly recycling and the subsequent implications that would arise from such a change.
2. That Cabinet agreed that a trial takes place within the financial year 23/24 and when cabinet deemed appropriate.

(Proposed by Cllr C Slade, seconded by Cllr C Eginton)

Reason for decision – as set out in the report.

**102. ECONOMIC RECOVERY PLAN**

The Cabinet were presented a report which sought approval for the submission of an 'Addendum' to the Shared Prosperity Fund Investment Plan for Mid Devon in order to draw down the Rural England Prosperity Fund allocation.

The following was highlighted:

- The Rural England Prosperity Fund was an additional sum of Government funding which had been offered as a top-up to rural districts 'to build on and complement the Shared Prosperity Fund' (SPF).
- Mid Devon has been allocated £817,000 on top of the £1,064,000 already allocated under the SPF, to be used as capital funding in years 23-24 and 24-25 of the scheme.
- It was suggested that the funding be divided across the following priority areas: business innovation & technology grants; local food initiatives; market area enhancements; development of a business innovation centre; sustainable tourism and grants that supported community businesses and community infrastructure, including community energy companies.
- Rural stakeholders have been consulted on the proposed interventions and their feedback has been incorporated into the bid.

**RESOLVED:** That Cabinet

1. Approves the investment priorities set out in the Rural England Prosperity Fund Addendum and the level of proposed investment in each priority area.
2. Delegated authority be given to the Director of Place (in consultation with the Portfolio holder for Planning and Economic Regeneration) to finalise the funding priorities and submit the bid on behalf of the Council.

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

Reason for decision – as set out in the report.

**103. NOTIFICATION OF KEY DECISIONS**

**RESOLVED:** That the notification of Key Decisions be noted.

#### 104. **BUDGET 23/24**

The Cabinet were presented a report which provided Member's the updated 2023/24 Budget position and discuss further options for cost savings or income generation.

**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)

Members then reviewed the options included within the Part 2 appendices and made Decisions on the options preferred.

(Proposed by the Chairman)

Reason for decision – as set out in the report.

(The meeting ended at 12.50 pm)

**CHAIRMAN**

This page is intentionally left blank

# Public Document Pack

## MID DEVON DISTRICT COUNCIL

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

### **Present**

#### **Councillors**

S J Clist (Chairman)  
E J Berry, Mrs S Griggs, F W Letch,  
R F Radford, A Wilce, J Buczkowski and  
B G J Warren

### **Apologies**

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

G Barnell, L J Cruwys, Mrs E J Lloyd, S Pugh and  
Mrs E J Slade

### **Also Present**

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

R M Deed, R J Dolley and B A Moore

### **Also Present**

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

Stephen Walford (Chief Executive), Maria De Leiburne (District Solicitor and Monitoring Officer), Andrew Jarrett (Deputy Chief Executive (S151)), Jill May (Director of Business Improvement and Operations), Paul Deal (Corporate Manager for Finance), Lisa Lewis (Corporate Manager for Business Transformation and Customer Engagement), Carole Oliphant (Member Services Officer) and Jessica Rowe (Member Services Apprentice)

#### **44 APOLOGIES AND SUBSTITUTE MEMBERS (0.02.14)**

Apologies were received from Cllrs S Pugh, Mrs E J Slade, Mrs E J Lloyd, G Barnell and L J Cruwys who were substituted by Cllrs B G J Warren and J Buczkowski respectively

#### **45 DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (0.02.41)**

Members were reminded of the need to make declarations where appropriate

#### **46 PUBLIC QUESTION TIME (0.02.57)**

Mr N Quinn, a local resident stated:

Regarding Agenda Item 8 – 3 Rivers Business Plan

The Business Plan report contains a table showing Financial Transactions with 3 Rivers, but the figures shown in the first three Interest Received columns have previously been reported as wrong.

The S151 Officer, admitted that the first two figures were incorrect at the Scrutiny Committee meeting on 14 Feb 2022, and that the third figure was incorrect at the Full Council meeting on 15 December 2021.

Question 1 - Why have incorrect figures been included in this table?

Paragraph 2.5 says the table details the “direct financial benefit” accruing from investment in 3 Rivers.

But recharges and loan repayments are only the recovery of amounts already spent, or lent, by the Council - they are net zero transactions. There is no “direct financial benefit” from those, or from the impairment.

So, the only actual “direct financial benefit” comes from the additional interest paid by 3 Rivers, over that which could be obtained by investing elsewhere. But this amount has not been calculated.

Question 2 - Why has the actual “direct financial benefit” not been shown?

Paragraph 2.5 also lists a number of indirect benefits, including “influence over affordable/social housing delivery numbers”.

Question 3 - Excluding Burlescombe, as 3 Rivers was just a contractor for the Council, how many affordable houses:

- a) Has 3 Rivers delivered in its own completed developments?
- b) Will be delivered, by 3 Rivers, in its two current developments?

Lastly

In the ‘Relationship to Corporate Plan’ section - after five years with the single aim of profit, new key aims been introduced.

Question 4 - Why has this, arms length, Commercial Company changed from its single aim of profit?

The Deputy Chief Executive (S151) responded:

Q1. As explained at a full Council meeting and subsequently at other Council meetings that those were amended numbers due to revised situations and forecasts. The figures were not incorrect and were correct at the point of issue. The figures within today’s report are correct as they stand.

Written responses would be provided for the remaining questions.

#### 47 **MINUTES OF THE PREVIOUS MEETING (0.07.35)**

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

#### 48 **DECISIONS OF THE CABINET (0.10.35)**

The Committee **NOTED** that none of the decisions made by the Cabinet on 1<sup>st</sup> November 2022 had been called in.

#### 49 **CHAIRMAN'S ANNOUNCEMENTS (0.10.45)**

The Chairman made the following announcements:

The visit to the AD plant was taking place next Monday 28th November

The Spotlight review into Participatory Budgeting was taking place on 1st December – please let Jess Rowe know if you are attending

#### 50 **ACCESS TO INFORMATION - EXCLUSION OF PRESS AND PUBLIC (0.12.03)**

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

#### 51 **3 RIVERS DEVELOPMENTS LTD - BUSINESS PLAN (0.12.059)**

The Group had before it and **NOTED**, a \*report from the Deputy Chief Executive providing the 3 Rivers Developments Ltd – Business Plan 2023 -2028.

In response to questions asked the Deputy Chief Executive (S151) responded:

- The Company had been set up with a number of priorities including as an investment for the Council and to provide the delivery of social housing
- The Company was funded through a mixture of PWLB borrowing and surplus funds and that the Business Plan in front of Members covered the period 2023-2028
- The figures provided in the report had been audited and were correct
- The risks associated with the Company had been explained in the Business Plan, however there was risk with any investment and that the Scrutiny Committee were able to make recommendations to the Cabinet if they felt that these had not been explained

**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)

Members then reviewed the 3 Rivers Developments Business Plan 2023-2028.

On returning to open session the Chairman confirmed that the following recommendations had been made:

1. That the Audit Committee recommend to the Cabinet that more detail of the risks and various options going forward be sought from the S151 Officer
2. That the Cabinet refer the matter to full Council

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

## 52 **WORK PROGRAMME (0.33.09)**

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

The Chairman advised that after consultation with Legal Services a recent Scrutiny proposal to look into the determination of Council planning applications should be referred to the Standards Committee and would not be included on the Scrutiny Work Plan

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

(The meeting ended at 3.49 pm)

**CHAIRMAN**



# Public Document Pack

## MID DEVON DISTRICT COUNCIL

MINUTES of a MEETING of the AUDIT COMMITTEE held on 22 November 2022 at 5.30 pm

### Present

#### Councillors

N V Davey (Chairman)  
J Buczkowski, R Evans, R F Radford, R L Stanley, A White,  
Mrs N Woollatt and A Wyer

### Apologies

#### Councillors

Mrs C Collis

### Also Present

#### Councillors

S Clist

### Present

#### Officers:

Andrew Jarrett (Deputy Chief Executive (S151)), Dean Emery (Corporate Manager for Revenues, Benefits and Recovery), Lisa Lewis (Corporate Manager for Business Transformation and Customer Engagement) and Matthew Page (Corporate Manager for People, Governance and Waste)

## 35. APOLOGIES

Apologies were received from Cllr Mrs C Collis.

## 36. PUBLIC QUESTION TIME

Mr N Quinn, a local resident stated:

Regarding Agenda Item 11 – 3 Rivers Business Plan

A year ago, the 3 Rivers Business Plan published for the Audit Committee contained a Financial transactions table that had errors in it. This table had to be replaced, at the last minute, to provide the correct figures.

This new 3 Rivers Business Plan was published with Interest Received figures, in the first three columns, that are different to those in the corrected table issued last year. I pointed this out at Scrutiny Committee, yesterday, but no last minute correction table this time.

The Data Quality Policy (Agenda item 6) states that having accurate information is crucial to good decision making - so this difference is worrying.

### **Question 1: Are Audit Committee concerned about the Data Quality of reporting for Council/3 Rivers Group financial transactions?**

Audit Committee are charged with consideration of risk and mitigations in this Business Plan.

The Risk Assessment section at the beginning of this report states that risk "*is detailed within the report*". But it is not detailed in the public report - I hope it is properly addressed in the confidential reports.

The current housebuilding sector is volatile, and your Risk report (at Agenda item 7, appendix 6), shows the risk of failure of 3 Rivers, is still High.

The External Audit Report (at Agenda item 9) says that the Council needs to consider the Group financial statements in relation to "*an increased write-off of Work in Progress and the*

*removal of a deferred tax asset*” and that the Council “*consider the impact of these findings on their current expected credit loss provision*”.

**Question 2: Do Audit Committee consider they have been given enough information, in this Business Plan, to properly evaluate the risks and mitigations, before advising Cabinet?**

The Deputy Chief Executive (S151) responded:

Q1. Disagreed that some of those items were errors, it was information that had changed after circumstances had changed. This was clarified at Audit Committee and Full council when first raised. The Table shown in appendix 11 was the aggregated interest received by the council from the company is correct.

A written response would be provided for the remaining question.

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

Cllr Mrs N Woollatt declared a non-pecuniary Interest in that she worked for Exeter Community Energy.

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.

**38. MINUTES OF THE PREVIOUS MEETING**

The minutes of the meeting held on 27 September 2022 were confirmed as a true record and signed by the Chairman.

**39. CHAIRMAN'S ANNOUNCEMENTS**

There were none.

**40. DATA QUALITY POLICY**

The Data Quality Policy report was presented to the Committee which outlined the Data Quality Policy (Appendix A) and Data Quality Standards (Appendix B), which explained the roles and responsibilities for data quality within the Council and also provides clarification for officers and members as to the standards expected.

The contents of the report were outlined with the following being highlighted:

- This policy was reviewed every 4 years.
- The responsible officers for this included: the Finance Portfolio Holder, the Corporate Manager for Digital Transformation and Customer engagement as well as the relevant operational managers.

Discussion took place regarding:

- That ongoing training for Members was important.
- If there had been any minor changes to the policy.
- That tracked changes would be useful when updated policies be presented.
- There was a risk of reputational damage and undermining of trust within the authority.
- How might the Cabinet Member of Finance communicate the importance of data quality to other Members. Future training would need to be looked into.

- The monitoring and implementation of this policy.
- Senior Officers and Members had a responsibility for this policy.

It was **AGREED** that 1.5 of the policy be amended with the added wording: “that there is also the risk of reputational damage and undermining of trust in the authority.”

(Proposed by Cllr Mrs N Woollatt and seconded by Cllr A White)

**RESOLVED:**

- a. That the Committee approves the Data Quality Policy and Data Quality Standards and;
- b. Agrees to next review the Policy in 4 years’ time.
- c. That 1.5 of the policy be amended with the added wording: “that there is also the risk of reputational damage and undermining of trust in the authority.”

(Moved by the Chairman)

**41. PERFORMANCE AND RISK UPDATE REPORT**

The Committee received, and **NOTED**, a report which provided Members with an update on performance against the corporate plan and local service targets for quarter 2 (2022/23), as well as providing an update on strategic risks.

Discussion took place regarding:

- That it was too early for the new refuse policy to be the reason for the reduction in residual waste. It was agreed that further data following the new policy was needed.
- Staff turnover looked to be worse for 2022/23 and the impact this had on service delivery, but the resourcing risk has reduced. The scoring of the risk would be looked into. That this was a key area and external factors had impacted turnover but a lot of work was underway for this to be improved and recent data had shown improvement.
- The risk rating of 3 Rivers Development Ltd should be higher. The risk rating for 3 Rivers Development Ltd had risen since the last quarter.
- Public awareness on the environment enforcement service. A lot had been undertaken to raise public awareness.
- The national payee award back payment that was recently agreed. This had been agreed and a back payment for staff would be received from April 2022. And then added as part of monthly payments thereafter.

**42. INTERNAL AUDIT PROGRESS REPORT**

The Committee received, and **NOTED**, a verbal update from a representative from Devon Audit Partnership, which highlighted:

- No significant areas of weakness or concern had been identified.
- 40% of all crime is fraud and so fraud work was prioritised.
- Devon County Council had paid for single persons discount to be reviewed.
- The cyber security report would be presented to the Audit Committee at their next meeting.

Discussion took place regarding:

- Fraud against the Council was to be reviewed. Any allegations of fraud would need evidence submitted.

- More information on the single person discount review was required so that duplication of work could be avoided. A lot of anti-fraud work had been undertaken at Mid Devon District Council internally.
- Important that the single person discount be challenged, there was a need that the current system was properly processed and cross referenced and are fit for purpose. Annual letters were sent out, biannually triangulate the other available information to cross reference information. In addition, help was received biannually from the National Fraud Initiative and if more could be done then it could be considered.

#### 43. **EXTERNAL AUDIT PROGRESS REPORT AND SECTOR UPDATE**

The Committee received, and **NOTED**, a verbal update from Grant Thornton as the Council's external auditors.

The contents of the report were outlined with the following being highlighted:

- Grant Thornton had experienced difficulty in delivery at a national level.
- There was an aim for the audit to be delivered to January's Audit Committee meeting.
- Pension fund and property plans and equipment assurances presented as the biggest challenge.
- 3 Rivers Development Ltd appointed an auditor. Grant Thornton were satisfied with the standard of work produced by the auditor.
- No Issues were found with regard to the consolidation of account figures but accounts may need adjustment.
- Committed to sign off audit as soon as possible.

Discussion took place regarding:

- In regard to adjustments to the group financial statements had the Council not calculated a high enough impairment. Accounts had not been signed off at this time and these figure were estimations. External auditors will see if estimates were correct and if there are changes they will be seen by Members and the Public.
- Whether it was usual that a Council could not provide a list of amounts owed due at year end. This was usual due to the changing nature of the figures.
- If the delay had caused financial implication. It had not caused financial implications, but had resource deployment implications.

#### 44. **ACCESS TO INFORMATION - EXCLUSION OF PRESS AND PUBLIC**

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

#### 45. **3 RIVERS DEVELOPMENT LTD BUSINESS PLAN.**

The Group had before it and **NOTED**, a report from the Deputy Chief Executive providing the 3 Rivers Development Ltd – Business Plan 2023 -2028.

In response to questions asked the Deputy Chief Executive (S151) responded:

- When the company was established it was likely to be funded by a mixture of internal borrowings from surplus cash flow holdings and therefore there was no cost. No medium or long term borrowing had occurred.
- Various officer were recharged into the company in its inception, officers had fully moved to the company, therefore the company costs had increased and the recharge decreased.
- More could be done to highlight the Council's risk and this would be made clearer in the Cabinet report due for January's Cabinet meeting.
- This should be considered as an investment, there had been £2.2m direct benefit to the Council, with £790,000 worth of transactions that had been impaired.
- The table shown at 2.4 was the revenue transactions of the authority, dividends would be received by the Council once the company becomes profitable.
- Would not conduct medium to long term borrowing on projects that had a lifespan of 1 to 2 years. Would be financial advantageous for temporary cash flows. There was a total loan envelope of £17.3m and that gross value would not exceed £20.9m.

**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) Members then reviewed the 3 Rivers Developments Business Plan 2023-2028.

On returning to open session the Chairman confirmed that the following recommendations had been made:

1. That the Audit Committee recommend to the Cabinet that more detail of the risks and various options going forward be sought from the S151 Officer.
2. That the other options be included in the business plan and consequences of not supporting it need to be highlighted.
3. That the Audit Committee feeds back to Cabinet that it recommends that the business plan in its current form is not supported due to the level of risk to the Council from the likelihood of needing to impair loans on those projects with very narrow rates of return.

#### 46. **IDENTIFICATION OF ITEMS FOR THE NEXT MEETING**

**RESOLVED:** That the items listed be noted.

(The meeting ended at 8.27 pm)

**CHAIRMAN**

This page is intentionally left blank

# Public Document Pack

## MID DEVON DISTRICT COUNCIL

**MINUTES** of a **MEETING** of the **ENVIRONMENT POLICY DEVELOPMENT GROUP**  
held on 8 November 2022 at 5.30 pm

### **Present**

#### **Councillors**

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

### **Apologies**

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

### **Also Present**

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

S J Clist, Mrs C P Daw, R M Deed, D J Knowles,  
Mrs E J Lloyd and C R Slade

### **Also Present**

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

Andrew Jarrett (Deputy Chief Executive (S151)), Jill May (Director of Business Improvement and Operations), Andrew Busby (Corporate Manager for Property, Leisure and Climate Change), Paul Deal (Corporate Manager for Finance), Lisa Lewis (Corporate Manager for Business Transformation and Customer Engagement), 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), Andrew Seaman (Member Services Manager) and Carole Oliphant (Member Services Officer)

## 36 **APOLOGIES AND SUBSTITUTE MEMBERS (0.02.52)**

There were no apologies or substitute Members

## 37 **DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (0.03.39)**

Cllr B G J Warren declared a personal interest for item 10 as he was Chairman of Willand Parish Council

## 38 **PUBLIC QUESTION TIME (0.04.24)**

There were no members of the public present

## 39 **MINUTES OF THE PREVIOUS MEETING (0.04.32)**

The minutes of the meeting held on 11th October 2022 were agreed as a true record and duly **SIGNED** by the Chairman

## 40 **CHAIRMAN'S ANNOUNCEMENTS (0.05.22)**

The Chairman had no announcements to make

41 **CABINET MEMBER FOR ENVIRONMENT AND CLIMATE CHANGE UPDATE (0.05.28)**

The Cabinet Member for the Environment and Climate Change gave an update on his portfolio and stated that the 3 weekly bin collections had commenced on 10<sup>th</sup> October key issues included:

- 200 bins were yet to be delivered
- 4500 calls had been actioned
- Crews were logging any discrepancy
- All side waste was being collected
- Enforcement officers were actively patrolling the streets to assist with education

In response to a question asked he stated that he had abstained on a vote at Council with regard to motion 583 as he felt that South West Water and the Environment Agency were already doing the measures asked for and that Members could have asked for the issue to be looked at by the Scrutiny Committee without a motion. He had also been concerned about the amount of officer time required to produce reports and analysis into the matter.

42 **CLIMATE CHANGE ACTION PLAN UPDATE (0.09.54)**

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

The officer explained the Net Zero Advisory Group (NZAG) had a special meeting with Members of the Environment PDG and had discussed the RAG rated investment options available. NZAG discussions and Audit had highlighted the importance of ensuring that Climate Change was a consideration in the decision making process and business cases.

Consideration was given to:

- A meeting with the Environment Agency was due to be held regarding Hydro Power which would be valuable with regard to feasibility
- Fortnightly progress meetings were being held with Deletti partnership Electric Vehicle Chargepoint phase 2 delivery. Rural sites were the next logical step but less commercially attractive to providers
- There had been no outreach to farmers regarding sustainable farming initiatives since the Mid Devon Show but there was plenty of information on the Council website to signpost interested parties to other organisations
- The projected spend on the Hydro Schemes and consultants was an estimate and had yet to be decided and therefore did not affect the budget
- The financial pressures on farmers
- The use of consultants could open up greater funding streams

It was therefore **RESOLVED** that:



1. That the Environment PDG notes and accepts this report as an update on the Council's response to the Climate Emergency, documenting progress with the Climate Action Plan (CAP) and the wider Climate and Sustainability Programme.
2. That the Environment PDG recommends to the Cabinet that the team with delegated authority (13 May 2021 Cabinet decision) lead next steps with regard to Environment PDG input regarding options for green travel hire schemes.
3. That Environment PDG consult with Corporate Management Team (CMT) to formulate a method for a Climate and Sustainability Statement that can be consistently applied to all business cases. Feedback to inform a Recommendation to Cabinet.
4. That Environment PDG and Net Zero Advisory Group (NZAG) consult with CMT and the C&S Specialist to devise a consistent approach to climate change impact statements noted on committee reports. Feedback to inform a Recommendation to Cabinet

(Proposed by the Chairman)

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

#### 43 **ENVIRONMENT ENFORCEMENT UPDATE REPORT - Q2 (0.36.08)**

The Group had before it, and **NOTED**, a \*report from the Environment and Enforcement Manager providing the Q2 report for the Environment and Enforcement Service.

The officer explained that the report had provided an update on body worn cameras.

Consideration was given to:

- Officers had made efficiency savings and were now proactive with fly tipping
- The amount of time spent on each enforcement activity would be provided to Members
- An acknowledgement and thanks from Members for the recent litter picking activity on the A361

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

#### 44 **ACCESS TO INFORMATION - EXCLUSION OF PRESS AND PUBLIC (0.43.10)**

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

#### 45 **MEDIUM TERM FINANCIAL PLAN - GENERAL FUND (GF), HOUSING REVENUE ACCOUNT (HRA) AND CAPITAL PROGRAMME (0.45.42)**

The Group had before it and **NOTED**, a \*report from the Deputy Chief Executive providing the Medium Term Financial Plan.

**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)

Members then reviewed the options included within the Part 2 appendices and made recommendations to the Cabinet on the options preferred.

(Proposed by the Chairman)

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

The meeting then returned to open session

#### 46 **WORK PROGRAMME (0.45.42)**

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

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

(The meeting ended at 7.59 pm)

**CHAIRMAN**

# Public Document Pack

## MID DEVON DISTRICT COUNCIL

**MINUTES** of a **MEETING** of the **HOMES POLICY DEVELOPMENT GROUP** held on 15 November 2022 at 2.15 pm

### **Present**

#### **Councillors**

R J Dolley (Chairman)  
J Cairney, S J Clist, D R Coren, R Evans,  
P J Heal and R F Radford

### **Apologies**

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

J Bartlett

### **Also Present**

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

G Barnell

### **Also Present**

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

Jill May (Director of Business Improvement and Operations), Paul Deal (Corporate Manager for Finance), Simon Newcombe (Corporate Manager for Public Health, Regulation and Housing), Claire Fry (Housing Services Operations Manager), Mike Lowman (Building Services Operations Manager), Andrew Seaman (Member Services Manager) and Jessica Rowe (Member Services Apprentice)

## 36 **APOLOGIES AND SUBSTITUTE MEMBERS (0.04.14)**

Apologies were received from Cllr J Bartlett.

Cllr G Barnell attended via ZOOM.

## 37 **DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT (0.04.32)**

Members were reminded of the need to make declarations where appropriate

## 38 **PUBLIC QUESTION TIME (0.04.45)**

There were no members of the public present

## 39 **MINUTES (0.05.11)**

The minutes of the meeting held on 28<sup>th</sup> September 2022 were agreed as a true record and duly **SIGNED** by the Chairman

## 40 **CHAIRMAN'S ANNOUNCEMENTS (0.05.29)**

The Chairman had no announcements to make

## 41 **MEDIUM TERM FINANCIAL PLAN - OPTIONS (0.05.45)**

The Group had before it, and **NOTED**, a \*report from the Deputy Chief Executive (S151) presenting the updated Medium Term Financial Plan.

The Corporate Manager for Finance outlined the contents of the report and stated that the report was a slimmed down version that was presented to the Cabinet and contained significant budget gaps.

Consideration was given to:

- There was no specific service budget for Homes PDG
- Fees and Charges would be presented in agenda items 7 & 8
- Action had been taken on a reduction in voids
- The purchase of two properties (HMO's) had been approved by Cabinet assist with homelessness in the District
- The Council has to be a responsible landlord
- An update on the Housing Strategy would be brought forward in January 2023
- Two modular builds were being undertaken on redundant garage plots
- The provision of temporary pods for homeless people should be investigated

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

#### 42 **PRIVATE SECTOR HOUSING FEES AND CHARGES 2022/23 AND 2023/24 (0.41.32)**

The Group had before it a \*report from the Corporate Manager for Public Health, Regulation and Housing providing revised fees and charges for locally set Private Sector Housing statutory functions.

The officer outlined the contents of the report and stated that it presented an update to private sector housing fees and charges both for in year and 2023/2024 onwards. There was no budget for the fees and charges as they related to enforcement action in relation to transgressions from legislation.

Consideration was given to:

- There was provision in legislation which allowed charges for enforcement action and to set financial penalties
- Fees must reflect the true cost of providing the service and not provide a profit
- Financial penalties cannot be set locally and are set out in legislation
- The numbers of notices issued due to damp in properties would be provided after the meeting

It was therefore **RECOMMENDED** that:

1. The Cabinet approve the revised locally set fees and charges as set out in annexes 1 and 2
2. That Cabinet approve the revised Policy on the Use of Financial penalties as set out in Annex 4

(Proposed by Cllr S J Clist and seconded by Cllr B Evans)

**Reason for the decision:** To ensure fees are set within the scope of legislation and the Enforcement Policy.

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

#### 43 **HOUSING REVENUE ACCOUNT (HRA) FEES AND CHARGES 2022/23 (1.03.06)**

The Group had before it a \*report from the Corporate Manager for Public Health, Regulation and Housing providing revised fees and charges for discretionary functions provided under the Housing Revenue Account (HRA)

The officer outlined the contents of the report and stated the HRA had a modest budget and 99% came from rents with the levels set by the Government. The remaining fees were discretionary. The scope to set fees was quite limited.

Consideration was given to:

- Fees had not been renewed for a number of years

It was therefore **RECOMMENDED** that:

1. The Cabinet approve the revised discretionary fees and charges for 2022/2023 as set out in annexes 1, 2 and 3
2. The Cabinet approve the Consumer Price Index (CPI) inflation adjustment (within range 2 – 10%) for discretionary fees and charges to be applied on the 1<sup>st</sup> April every year (in addition to the in year recommendations set out in annexes 1, 2 and 3)

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

**Reason for the decision:** The Council had not increased the fees and charges for these services for some years and they require updating

Notes:

- \*Report previously circulated and attached to the minutes
- Cllr R Dolley made a personal declaration as he was a trustee of Old Heathcote's Community Centre

#### 44 **MID DEVON HOUSING DRAFT POLICY RELATING TO TENANT USE OF CLOSED CIRCUIT TV (CCTV) & CAMERA DOORBELLS (1.14.12)**

The Group had before it a \*report from the Corporate Manager for Public Health, Regulation and Housing providing the MDDC Housing draft policy relating to tenant use of closed circuit TV (CCTV) and camera doorbells.

The officer outlined the contents of the report and stated that the new policy was required due to the increasing number of requests from tenants.

Consideration was given to:

- Concerns from neighbours on the use of CCTV and them being intrusive
- Legislation on the use of such camera's must be adhered to
- Legal duty towards vulnerable tenants

It was therefore **RECOMMENDED**:

1. That Cabinet recommends to Council the adoption of the Tenant CCTV and Camera Doorbell Policy as set out in annex 1

(Proposed by Cllr S J Clist and seconded by Cllr P J Heal)

**Reason for the decision:** To provide greater clarity to stakeholders and ensure that those tenants fitting such systems were doing so lawfully

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

#### 45 **MID DEVON HOUSING SERVICE DELIVERY REPORT (1.30.08)**

The Group had before it, and **NOTED**, a \*report from the Corporate Manager for Public Health, Regulation and Housing providing the regular quarterly update on enforcement and other activity undertaken by Mid Devon Housing.

The officer outlined the contents of the report and stated that it contained the regular service delivery report for Q2 and covered tenancy housing management and building repairs.

Consideration was given to:

- From April 2024 the Government were setting a new set of measures for all housing providers who would be required to report on tenant satisfaction measures
- How best to approach debt, work across different departments managing multiple debt and applying early detection
- Concerns regarding the increase in possession orders and if this was attributed to tenants in financial need
- The Housing service worked alongside the corporate debt team to identify households in multiple debt
- There was earlier informal engagement with tenants to understand the nature of their debt issues
- The financial reasons why voids were kept empty for a period of time instead of being re let
- The small number of frauds

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

#### 46 **IDENTIFICATION OF ITEMS FOR THE NEXT MEETING (1.52.36)**

Members **NOTED** the items listed in the work programme for the next meeting.

(The meeting ended at 4.10 pm)

**CHAIRMAN**

# Public Document Pack

## MID DEVON DISTRICT COUNCIL

**MINUTES** of a **MEETING** of the **COMMUNITY POLICY DEVELOPMENT GROUP**  
held on 22 November 2022 at 2.15 pm

### **Present**

#### **Councillors**

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

### **Apologies**

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

Mrs C Collis and L J Cruwys

### **Also Present**

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

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

### **Present**

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

Jill May (Director of Business Improvement and Operations), Andrew Busby (Corporate Manager for Property, Leisure and Climate Change), Paul Deal (Corporate Manager for Finance), Lisa Lewis (Corporate Manager for Business Transformation and Customer Engagement), Lee Chester (Operations Manager Leisure Services), Carole Oliphant (Member Services Officer) and Jessica Rowe (Member Services Apprentice)

## 32 **Apologies and Substitute Members (0.02.53)**

Apologies were received from Cllr Mrs C Collis and Cllr L J Cruwys who was substituted by Cllr S J Clist

## 33 **Declarations of Interest under the Code of Conduct (0.03.20)**

Members were reminded of the need to make declarations where appropriate

## 34 **Public Question Time (0.03.27)**

There were no members of the public present.

## 35 **Minutes of the Previous Meeting (0.03.46)**

The Minutes of the Meeting held on 27<sup>th</sup> September 2022 were approved as a correct record and **SIGNED** by the Chairman.

## 36 **Chairmans Announcements (0.04.40)**

The Chairman had no announcements to make

## 37 **Access to Information - Exclusion of Press and Public (0.04.47)**

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

**38 Medium Term Financial Plan - General Fund (GF), Housing Revenue Account (HRA) and Capital Programme (0.04.47)**

The Group had before it and **NOTED**, a \*report from the Deputy Chief Executive providing the Medium Term Financial Plan.

The Corporate Manager for Finance stated that the report was a slimmed down version which had been presented to the Cabinet on 1<sup>st</sup> November 2022. The Council was looking at a budget gap of £2.1m for 2023/2024 and the Cabinet wanted the Community PDG to have discussions on the options available. He explained that the Governments recent allowed increase in Council Tax from 2% to 3% would only generate an additional £60k of income which would not close the budget gap.

The Leader explained that the Cabinet were looking to increase fees and charges in the first instance to close the budget gap rather than reductions in services.

**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)

Members then reviewed the options included within the Part 2 appendices and made recommendations to the Cabinet on the options preferred.

(Proposed by the Chairman)

The meeting then returned to open session and:

The Community PDG **RESOLVED** that delegated authority be given to the Cabinet Member for Community Wellbeing to set the Leisure Pricing Strategy for the remainder of 2022 and 2023/2024.

(Proposed by the Chairman)

Note:

- \*report previously circulated and attached to the minutes
- Cllr R J Dolley requested that his abstention from voting be recorded



39 **Work Programme (0.23.46)**

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 3.08 pm)

**CHAIRMAN**

This page is intentionally left blank

# Public Document Pack

## MID DEVON DISTRICT COUNCIL

**MINUTES** of a **MEETING** of the **ECONOMY POLICY DEVELOPMENT GROUP** held on 10 November 2022 at 5.30 pm

### **Present**

#### **Councillors**

J M Downes (Chairman)  
Mrs C Collis, N V Davey, R J Dolley, Mrs S Griggs,  
R F Radford, J Wright, R Evans and A White

### **Apologies**

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

J Buczkowski

### **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)

## 24 **Apologies and Substitute Members**

Apologies were received from Cllr J Buczkowski, who was substituted by Cllr A White.

## 25 **Public Question Time**

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

## 26 **Declaration of Interests under the Code of Conduct**

No interests were declared under this item.

## 27 **Minutes**

The minutes of the meeting held on 29 September 2022 were confirmed as a true and accurate record and signed by the Chairman.

## 28 **Chairman's Announcements**

The Chairman thanked officer John Bodley-Scott for their service to Mid Devon District Council and that his experience, knowledge and input had been invaluable.

## 29 **Presentation from Eden**

A presentation was given by a representative of Eden which provided an update on the Eden grounds project. The representative highlighted the following:

- In 2016 the Eden Westwood was created and this became part of Mid Devon District Council's local plan. However, this project was stalled due to the Pandemic.

- Since the last update the site and masterplan had been reviewed, which included the possible outdoor activities, employment opportunities and informal and formal communications with landowners.
- It was considered if the project could be bought forward in a phased approach.
- There was an opportunity for more visitors to be attracted to Mid Devon.
- It was believed that this project would need to generate 180 jobs which would generate circa 200 indirect jobs.
- It was believed that there would be sufficient footfall for this project to be supported.
- The retail element of this project was critical in terms of driving land value.
- Increased costs had a detrimental impact on the project, which had put the project on hold but there was a desire for the project to be continued.

The Chair thanked the Eden representative for their presentation, consideration was given to:

- Pausing the project was a missed opportunity to attract footfall to Mid Devon. The representative noted that though the project had stalled there was still an opportunity for this project, however the current economic crisis had made this a challenge.
- It was asked if the jobs created would be well paid, to which the representative mentioned that these jobs would cover a variety of roles and sectors and that Eden's aspiration was to pay at least the living wage.
- Asked if a lake would need to be created for the wild swimming activity, the Eden representative confirmed that a lake would need to be created.
- The local plan was delayed in 2016 for this project to be included and it was raised where the drive and focus for this project would come from. The Eden representative explained that Eden would work with investors to drive the project.

The Director of Place added that although the local plan was still in place the update provided had not shown how this project could be delivered moving forward. This raised questions over what would happen to the sight in the short term, however Mid Devon District Council (MDDC) continued to liaise with land owners. That the motorway service element could be an early part of that delivery, in addition, a retail, leisure and tourism study was due to take place for Mid Devon. MDDC would continue to identify deliverable opportunities to the benefit of the district.

- That land ownership was a challenge and that a phased delivery seemed logical, but was concerned that the tourist and leisure elements of this project might not be delivered for a long time.
- Shops in towns were already struggling and to regenerate those would prove to be challenging if a shopping centre were to be built, detracting footfall from the shops in those areas.

**RESOLVED:** That the presentation be noted.

### 30 **Local Economy Update**

An officer presented a report which provided the PDG with an update on the local economy.

The officer stated:

- That there were turbulent economic times, combined with a weakened pound which proved difficult for businesses and communities.
- Mid Devon had a low or equal capita per head when compared to Cornwall and Mid Devon deserved the necessary support.
- Productivity was a key metric and that charts had shown the Mid Devon was underperforming when compared to other rural regions.

Members Considered:

- Gross median pay weekly, Mid Devon seems to have benefited recently when compared to other rural regions.

In response to this an officer explained that it was an interesting result this had not occurred with the other indicators.

The Director of Place added that there were large companies within this area, for example there was an uptake in HGV Drivers salaries, but would liaise with Devon County Council to find out more details.

- That with more houses built, an increase in the number of incomes followed.
- It was raised that if more houses were to be built then more people would be brought to Mid Devon.

**RESOLVED:** That the report be noted.

### 31 **Economic Recovery - the Shared Prosperity and Rural England Prosperity Funds**

An officer presented a report which provided an update for Members on activities undertaken as part of the Devon Economic Recovery Plan and progress with the Shared Prosperity Fund Implementation Plan, this included the initiatives proposed under the Rural England Prosperity Fund.

The officer stated:

- The allocation received through the shared prosperity fund would be the main funding mechanism for funding local economic interventions. Mid Devon received circa £1million of funding.
- Funding was expected to be received in October 2022, however, this had been delayed.

- Mid Devon had also received an additional £800k from the Rural England Prosperity Fund. This was a capital grants only programme which meant that there were limits to what this funding could be used for.
- There were two main priorities under the Rural England Prosperity Fund, which included, to support rural businesses and farm diversification and for community infrastructure to be supported.
- Community work hubs were a potential opportunity to support.

Members considered:

- When this funding would be received. An officer explained that it was hoped the projects could be started soon after Christmas 2022.
- Mid Devon District Council had a capacity issue and the delayed funding would make implementation challenging.
- Mid Devon would benefit from this funding, however, what due diligence would be carried out when awarding grants to businesses. An officer reassured that the application process would contain sufficient due diligence.
- How the split between investment priorities was determined. An officer explained that these were indicative figures and that it would be used as flexibly as possible. The percentages indicated was a preference and the number of applications could influence the funding split.

**RESOLVED:** That the PDG recommend to the Cabinet approval of the direction and level of investment proposed for the Rural England Prosperity Fund.

(Proposed by the Chairman)

Reason for decision: as stated in the report.

## 32 **New Crediton Shopfront Enhancement Scheme**

An officer present a report which informed Members about the new Crediton Shopfront Enhancement Scheme which was due to be launched in December 2022, the report also requested approval for the revised Scheme.

An officer stated:

- That this would be used to improve the shopfronts in Crediton.
- Further funding would be sought after so that this scheme could be extended.

Members considered:

- That this scheme was very much the same as the Tiverton Shopfront scheme.

**RESOLVED:** That Economy PDG recommends that the new Crediton Shopfront Enhancement Scheme be approved by the Cabinet and three Crediton Ward Members are nominated to be part of the Funding Panel for the Scheme.

(Proposed by the Chairman)

Reason for decision: As stated in the report.

### 33 Economic Development Team Update Report

An officer presented a report which updated Members on activities undertaken by the Economic Development Team during the last quarter.

An officer stated:

- The Shared Prosperity Fund and the Rural England Prosperity Fund had taken up the majority of the team's time over the past few months.
- Job fairs had been supported alongside Job Centre Plus. A couple of job fairs had been carried out one specifically for Ukrainian Refugees and one for those with disabilities.
- There had been a steady increase in the number of shop vacancies over the past year in Cullompton and Tiverton.
- Initiatives were underway within Cullompton under the Heritage Action Zone.
- Support continued to be provided to refugees under the Homes for Ukraine scheme.

Members considered:

- Cullompton is in a worrying position regarding shopfront vacancies, it was asked if this had been over a sustained period. An officer explained that it was suspected that the vacancy rate had been quite high for a while.
- Crediton had done well on the shopfront vacancy rate.
- Crediton shops were quite niche and there was concern over their susceptibility.

**RESOLVED:** That report be noted.

### 34 Access to Information - Exclusion of the Press and Public

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

### 35 Medium Term Financial Plan - Options

The Group had before it and **NOTED**, a \*report from the Deputy Chief Executive providing the Medium Term Financial Plan.

**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)

Members then reviewed the options included within the Part 2 appendices and made recommendations to the Cabinet on the options preferred.

(Proposed by the Chairman)

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

The meeting then returned to open session

### 36 **Identification of items for the next meeting**

No further items were identified to be on the agenda for the next meeting other than those already listed. However, officers acknowledged that work was underway regarding items that related to the Agricultural gap Analysis and Stagecoach Buses.

(The meeting ended at 8.07 pm)

**CHAIRMAN**



# Public Document Pack

## MID DEVON DISTRICT COUNCIL

**MINUTES** of a **MEETING** of the **PLANNING COMMITTEE** held on 2 November 2022 at 2.15 pm

### **Present**

#### **Councillors**

P J Heal (Chairman)  
J Cairney, Mrs C Collis, Mrs F J Colthorpe,  
L J Cruwys, Mrs C P Daw, B Holdman,  
D J Knowles, F W Letch, R F Radford and  
B G J Warren

### **Apologies**

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

E J Berry and S J Clist

### **Also Present**

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

J Buczkowski and J Wright

### **Present**

#### **Officers:**

Maria De Leburne (District Solicitor and Monitoring Officer), Richard Marsh (Director of Place), Angharad Williams (Development Management Manager), Adrian Devereaux (Area Team Leader), John Millar (Area Team Leader), Jake Choules (Planning Officer), Andrew Seaman (Member Services Manager) and Carole Oliphant (Member Services Officer)

## 75 **APOLOGIES AND SUBSTITUTE MEMBERS**

Apologies were received from Cllrs S J Clist and E J Berry who were substituted by Cllrs J Cairney and Mrs F J Colthorpe respectively.

## 76 **PUBLIC QUESTION TIME (0.04.14)**

Mrs Campbell, a local resident, referring to No 3 & 4 on the Plans List stated:

Mr Chairman and councillors, I wish to object to the removal and all variations of the conditions put forward. Why would we agree with the proposed design of these 20 houses which are more in keeping with the suburb of a town and not a village in the countryside?

Policies DM1 of Mid Devon plans states that the designs of countryside should have a clear understanding of the characteristics of the site, its wider context and surroundings. This is clearly not the case. The site design is over-developed, which is shown on the plan because of the footpath only being on one side of the road – a danger to pedestrians. Tree planting is on private property and can be removed at a

later date, not on roadside, and not complying with national planning 2021 paragraph 131.

There is no allocated parking for visitors and no green spaces. These large houses built on a hill overlooking bungalows obviously intrude on their privacy. Mid Devon policy S1 states we should have a sustainable form of transport system for the new build – we haven't.

At the meeting on the 22nd of October our bus services have been cut considerably, thus making it necessary for people to use their cars even more. The last bus to Silverton is 5.55. Conditions 5, 6, 7 and 8 deal with drainage and ground water monitoring, also surface water drainage. These have not only been fully carried out. Ruddlesden geotechnical carried out one test only of three, and said in their report it was because of time constraints – surely not acceptable. I'm sure you're all aware of very recent concerns in the press and the television of phosphates going into our rivers, and polluting them causing great harm. With the added volume of water disposed of, as tested by the developer of combining sewage water and runoff water in larger pipes. This could cause our sewage system harm as the added volume of water after heavy rain and surges disturbs and cancels out separation causing sewage to flow into the river.

As was said on a television programme last week, more systems that are being added to are already outdated and overused systems that cannot cope with the extra volume. Should we ask the environment agency to do a nutrient neutrality test to make sure Silverton's sewage plant is not letting phosphates into the river, and adding to the problem with this proposed build? This is all the more reason for the long term infiltration test should not be removed. These matters need more investigation. These are the reasons why conditions 5, 6, 7 and 8 should not be removed. With regards to the apex turning to the construction site being removed, and as you stated before the 6 foot 6 width restriction then proposed that they should come from the Tiverton A396. This is a very dangerous junction. It is a site set for several accidents and buses stopped turning there years ago probably because of the dangers. It's hard to see how construction traffic can get to site from both approaches are not viable. This is the reason condition number 9 should not be removed. Also assuming the construction site has separate planning as it's not within the site. To conclude, wrong houses, no proof of local need, wrong place, and wrong drainage. Also this development does not comply with Mid Devon policies DM1, S1, 2, 8, 9, 13 and 14. Why would you ignore your own policies? Thank you for your time.

Paul Elstone, a local resident, referring to No 1 on the plan list stated:

I commend the MDDC Planning Officers and Solicitors for ensuring that this application comes before this committee. This for reasons of much needed openness and transparency.

#### QUESTION 1

Are this Committee fully aware that there are legal precedents set? This including those decided at the Supreme Court. Precedents which overturn the rights of Lawfulness of Existing Use. This if concealment or deception is involved.

One such case

## Welwyn Case

This case identifies four features that take a case outside the 10 year protection of section 171B(2) of the relevant act.

– this now constitutes the four-part test generally used to establish concealment.

1. Positive deception took place in matters integral to the planning process.
2. The deception was directly intended to undermine the planning process.
3. The deception did undermine that process.
4. The wrong-doer would profit directly from the deception if the normal limitation period were to enable them to resist enforcement ('profit' / benefit includes the avoidance of enforcement action).

Time limits prevent me from providing more comprehensive detail.

## QUESTION 2

I believe there may have been a series of concealments and deceptions. This to conceal the fact that planning conditions have been grossly violated and in order to prevent enforcement action being taken during and soon after the house and not the bungalow was first built.

Are this committee aware that:

1. French windows installed in a bedroom constructed in what should have been the garage space have been concealed by garage doors. Garage doors which are visible from the road. Photographs available.
2. French windows installed in an office constructed in what should have been the garage space also concealed by garage doors
3. It appears that Building Control Certificates application may have been purposely delayed and misleading. That certificates may not applied for until 2021. This if the MDDC application numbering system is correctly understood.  
i.e.

Application 21/78/0630/BR

Erection of bungalow and garage and installation of septic tank.

Please note the application is for a bungalow and not a house in any event. Therefore, it's validity I believe requires challenge.

Note:

If these building control certificates were issued when the property was first built this leads to questions about the District Councils role and lack of enforcement at the time. Including reasons why.

4. That a MDDC Council Tax banding check shows the property has been banded as C effective 13th April 2001 i.e. This is when the house and not bungalow was first occupied.

Band C would seem appropriate for a 3-bedroom agricultural bungalow but not for a 6-bedroom 5-bathroom house that has been built and with various reception rooms. Band G being the true banding I would suggest. Saving the occupants nearly £2000 per year in Council Tax over the last 21 years.

All adding further I believe to the opinion that there was an attempt at concealment. This in order to evade any planning enforcement within the prescribed timelines

### QUESTION 3

With this information will this committee give full consideration to deferring a decision in respect of this application? This to permit a comprehensive investigation to be carried out. This in order to confirm or otherwise if deception for the purposes of concealment has in fact occurred.

Mr Campbell, a local resident, referring to No 3 & 4 on the plans list stated:

Mr Chairman and planning committee, this is to do with the Silverdale site. As previously mentioned at a planning meeting, a committee member mentioned that there are a lot of people not happy about this site. I think it was with reason. It seems that the rules can be changed in favour of the developers but no notice is taken to the objections made by many residents. It is outside the planning area for the village and then it is adopted all of a sudden. No soil test or drainage test fully completed as requested by the planning inspector. The roads there not adopted as highway. The added amount of traffic coming through any of the approach roads is going to add a great deal of problems.

A proposal that surface water is allowed into local sewers by using larger pipes and combined volume should be too much for the pumping station and the sewage works. It does not look like conditions 6, 7, 8, 9 and 10 have been completed as satisfactory as requested by the planning inspector. Therefore, these should not be removed. On a proposed site, only a footpath on one side of the road, not wide enough for a wheelchair, no mention of drop curbs for wheelchair access. There are many excellent and valid objections submitted, but no notice taken. In fact, 66 letters have been submitted. Mr Chairman and committee, please consider the objections of the local people, not remove the conditions and not consider full planning permission. Thankyou.

The Chairman then advised that on advice from the District Solicitor and Monitoring Officer questions submitted by a Hannah Kearns had been rejected as they were found to be:

- ii) Is in his/her opinion scurrilous, improper, capricious, irrelevant or otherwise objectionable (Council procedure rule 11.2 (f) (ii)).

The Chairman advised that questions would be addressed when the applications were heard.

### 77 **DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT (0.17.34)**

Members were reminded of the need to make declarations where appropriate

### 78 **MINUTES OF THE PREVIOUS MEETING (0.18.09)**

The minutes of the meeting held on 5<sup>th</sup> October 2022 were agreed as a true record and duly **SIGNED** by the Chairman.

### 79 **CHAIRMAN'S ANNOUNCEMENTS (0.18.49)**

The Chairman reminded Members of the informal planning committee on 9<sup>th</sup> November 2022 and the training day on 23<sup>rd</sup> November 2022. He also confirmed that there would be a need to hold a special Planning Committee in January, date to be confirmed.

#### 80 **WITHDRAWALS FROM THE AGENDA (0.19.59)**

There were no withdrawals from the agenda.

#### 81 **THE PLANS LIST (0.20.05)**

The Committee considered the applications in the \*Plans List.

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

***a) Application 22/01377/CLU - Certificate of Lawfulness for the existing use or development for the occupation of the dwelling by anyone without restriction at Higher Coombelands, Knowle, Cullompton.***

The Planning Officer outlined the application by way of a presentation which highlighted block plan, the original condition J, the approved plans, first floor elevations, south elevations, west elevations and photographs of the site.

The Officer explained that the Committee would need to determine if the breach of planning control was in excess of 10 years and if so enforcement was not legally an option.

In the case of applications for existing use, if a local planning authority had no evidence itself, nor from any others, to contradict or otherwise make the applicants version of events less than probable, there was no good reason to refuse the application, provided the applicant's evidence alone was sufficiently precise and unambiguous to justify the grant of certificate on the balance of probability.

In response to public questions the Officer did not think there was deception and there had been no objections raised during the period of public consultation.

Consideration was given to:

- The Planning Officer had carried out a site visit
- There had been no previous enforcement cases within the 10 year time limit
- Officers did not see the application as a concealment as the property was openly on view and not being hidden
- A Certificate of Lawfulness was different to Planning Policy and any enforcement period had passed
- The views of the Applicant who stated it was a detailed application which was not to be assessed against Planning Policy and that the matters set out were true. It would be unreasonable not to grant the Certificate of Lawfulness

It was therefore **RESOLVED** that the Certificate of Lawfulness be granted as recommended by the Development Management Manager.

(Proposed by Cllr B G J Warren and seconded by Cllr D J Knowles)

**Reason for the decision:** As set out in the report

Notes:

- Cllrs P J Heal, Mrs F J Colthorpe, J Cairney, Mrs C Collis, L J Cruwys, Mrs C P Daw, B Holdman, D J Knowles, F W Letch, R F Radford and B G J Warren all made declarations in accordance with protocol of Good Practice for Councillors dealing with planning matters as they knew Cllr E J Berry
- Cllr B G J Warren made a declaration in accordance with protocol of Good Practice for Councillors dealing with planning matters as he had received correspondence from members of the public
- Ms K Berry spoke as the Applicant
- Cllrs B Holdman, F W Letch and L J Cruwys requested that their abstention from voting be recorded

***b) Application 22/01718/MFUL - Variation of condition 2 of planning permission 17/01509/MFUL (Erection of 39 dwellings following demolition of existing garages and adjacent substructure, together with bike storage, underground car parking, landscaping and associated works) to allow substitute plans relating to external materials and colours and basement car park screens at Land and Buildings at NGR 295350 112455 (Rear of Town Hall), Angel Hill, Tiverton.***

The Area Team Leader outlined the application by way of a presentation which highlighted an aerial image, approved site location plan, approved site plan, block e south elevation, west and east elevations.

The Officer explained the reason for the variation was that there had been issues of the supply of red bricks and matching them to existing materials on site. The change in materials now mimicked an already approved block on site for colours and materials. The variation also proposed to replace the approved hit and miss brickwork ventilated screens in the car park with grey-brown coloured powder coated aluminium louvers.

Consideration was given to:

- If the applicant was not 3 Rivers Developments Ltd the application would have been delegated and not brought before committee
- The render and brickwork variation was retrospective but the louvre panels were not
- The views of the Town Council who stated that the variation was retrospective and had taken over 18 months to come before committee and that the louvre doors distracted from the original design and would see an increase in vehicle emissions
- There had been no objections from Public Health on the impact of vehicle emissions due to louvre doors being installed
- The louvre doors had been designed so that mechanical ventilation would not be required in the underground car park and would benefit both residents of the development and adjoining properties



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

(Proposed by the Chairman)

**Reason for the decision:** As set out in the report

Notes:

- Cllrs Mrs C P Daw and L J Cruwys made declarations in accordance with protocol of Good Practice for Councillors dealing with planning matters as they were Members of Tiverton Town Council and were both Ward Members
- Cllr D J Knowles 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 and knew some of the objectors
- Cllr B G J Warren made a declaration in accordance with protocol of Good Practice for Councillors dealing with planning matters as he had been contacted by objectors
- 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 and had been contacted by objectors
- Cllr P Elstone spoke on behalf of Tiverton Town Council
- Cllr B Holdman requested that his vote against the decision be recorded
- Cllrs L J Cruwys and J Cairney requested that their abstention from voting be recorded

***c) Application 21/01552/MARM - Reserved matters for the erection of 20 dwellings with details of access, appearance, landscaping, layout and scale following outline approval 18/02019/MOUT at Land at NGR 295508 103228 (Silverdale), Silverton, Devon.***

In response to questions asked by the public the Area Team Leader stated that:

- The design of trees and footways would be for Members to discuss
- Condition 6 currently required 6 – 12 months of percolation testing if the surface water drainage was going to be dealt with on site. As it had now been established that the surface water drainage would be dealt with offsite the requirement to test was no longer valid.
- Members would discuss Construction Traffic
- The Application was compliant to Policy
- The pavements were 2 metres wide and dropped kerbs were included

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

The Officer explained that the reserved matters contained details of access, appearance, landscaping, layout and scale following outline approval. He acknowledged that there was a lot of local objection but the application submitted was satisfactory and the principal of development had been established through the outline application.

Consideration was given to:

- The final materials used, including slate roofs would be dealt with by Condition 2
- Police concerns had been addressed by a Condition that ensures suitable boundary treatments were put in place
- The views of the objector who stated that the height of the houses overlooking the existing bungalows had not been considered, there were width restrictions on the roads leading to the construction access point, local concerns with access to and from Tiverton Road and that the oldest village in the district should be protected
- The views of the agent who stated that the principal of development had been established and that the developer had worked hard to address the concerns of local residents. 7 affordable houses would form part of the application.
- The views of the Ward Member who had called in the application so that the local public could have their say, did the application demonstrate best design practices, the lack of specification in materials to be used and the impact on traffic in the local area
- Some Members concerns with regard to lack of proposed parking and the impact of surface water drainage
- Confirmation that the application proposed in excess of minimum car parking requirements and was policy compliant
- The surface water would be now dealt with via attenuation ponds which would disperse into the main drains in a controlled manner and were approved by the Flood Authority

It was therefore **RESOLVED** that the reserved matters be approved subject to conditions as recommended by the Development Management Manager.

(Proposed by Cllr Mrs F J Colthorpe and seconded by Cllr Mrs C P Daw)

**Reason for the decision:** As set out in the report

Note:

- Cllrs D J Knowles, P J Heal, Mrs C P Daw, Mrs 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 received correspondence
- Cllr B G J Warren made a declaration in accordance with protocol of Good Practice for Councillors dealing with planning matters as he had represented the Authority at appeal
- Cllr F W Letch left the room at 3.50pm and took no part in the discussion or vote
- Mr Grimes spoke as the objector
- Mr Lethbridge spoke as the agent
- Cllr J Wright spoke as the Ward Member
- Cllrs L J Cruwys, B Holdman and J Cairney requested that their abstention from voting be recorded



**d) Application 22/00969/MOUT - Removal and/or variation of Conditions 5, 6, 7, 8, 9 and 10 of Planning Permission 18/02019/MOUT Outline for the erection of 20 dwellings at Land at NGR 295508 103228 (Silverdale), Silverton, Devon.**

The Area Team Leader explained that a S106 Agreement had been agreed at outline planning stage but this would now require a deed of variation.

Conditions 5, 6, 7, & 8 were regarding drainage and the need for tests to be carried out if the surface water drainage was to be dealt with on site. It had now been established that the surface water drainage could not be dealt with on site so these tests were no longer required. The applicant had provided details of the new surface water arrangements and the Flood Authority had been consulted.

Conditions 9 & 10 required the provision of a Construction Management Plan which had now been provided by the applicant.

The Area Team Leader outlined the application by way of a presentation which highlighted an aerial image, contractor's compound and parking area, construction phase drainage, foul and surface water drainage, drainage layout plan and photograph's of the site.

The Officer explained that although there were 3 possible routes into the site only 1 was suitable for construction traffic and there had been no concerns from the Highways Authority.

Consideration was given to:

- The Developer had an agreement with the land owner for the compound and parking area
- The access into the site had been approved at outline and was for residential use and not construction traffic
- The use of Banksmen had been conditioned for safety
- The issue of mud on roads had been dealt with in the Construction Management Plan
- The Agent who stated that the change of conditions was to catch up with the reserved matters already approved. The construction was due to start in spring 2023 and take about 12 months and that the roads and drainage would be built out first

It was therefore **RESOLVED** that removal and/or variation of Conditions 5, 6,7, 8, 9 and 10 of Planning Permission 18/02019/MOUT be granted subject to conditions as recommended by the Development Management Manager and:

- A Deed of Variation for the S106 Agreement be signed
- An amendment to the Construction Management Plan that the construction access, compound and car park area be reinstated back to original and a timescale added for doing so

(Proposed by Mrs F J Colthorpe and seconded by Cllr Mrs C Collis)

**Reason for the decision:** As set out in the report

## Notes:

- Cllrs D J Knowles, P J Heal, Mrs C P Daw, Mrs 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 received correspondence
- Cllr B G J Warren made a declaration in accordance with protocol of Good Practice for Councillors dealing with planning matters as he had represented the Authority at appeal
- Mr Lethbridge spoke as the Agent
- Cllrs B Holdman and L J Cruwys requested that their abstention from voting be recorded

**e) *Application 22/01554/MFUL - Erection of external heat pump systems and solar car port, installation of photovoltaic panels to existing roofs and erection of shelter over skate park at Lords Meadow Leisure Centre, Commercial Road, Lords Meadow Industrial Estate.***

The Area Team Leader outlined the application by way of a presentation which highlighted an aerial image, a site location plan, proposed block plan, parking roof module plans, external biomass store, site roof plan, site views and photographs of the site.

The Officer explained that the Flood Authority had raised no objections but requested that the surface water drainage be considered which had been completed. Public Health had noted that the heat pumps were at ground level but were not near any residential properties and had no objections.

Consideration was given to:

- The heights of vehicles using the parking spaces and that there were alternative spaces available for larger vehicles
- The overall support from Members who welcomed the proposals

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

(Proposed by Cllr J Cairney and seconded by Cllr F W Letch)

**Reason for the decision:** As set out in the report

- Cllr F W Letch returned to the meeting at 4.58pm and before the item was presented and was able to take part in the discussion and vote
- Cllr J Cairney made a declaration in accordance with protocol of Good Practice for Councillors dealing with planning matters as he was a member of the leisure centre and was Ward Member
- Cllr D J Knowles made a declaration in accordance with protocol of Good Practice for Councillors dealing with planning matters as he was the Cabinet Member for Community Wellbeing and the Leisure Centres were in his portfolio

- Cllr R F Radford made a declaration in accordance with protocol of Good Practice for Councillors dealing with planning matters as he was a registered carer who had free access to the Leisure Centres

## 82 MAJOR APPLICATIONS WITH NO DECISION (3.01.57)

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

The Committee agreed that:

- 22/01910/MOUT – Remain delegated
- 22/01671/MFUL – Be determined by Committee if officer was minded to approve and that a full Committee site visit take place
- 22/00915/MFUL - Be determined by Committee if officer was minded to approve and that a full Committee site visit take place

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

(The meeting ended at 5.37 pm)

**CHAIRMAN**

This page is intentionally left blank

# Public Document Pack

## MID DEVON DISTRICT COUNCIL

**MINUTES** of a **MEETING** of the **PLANNING COMMITTEE** held on 30 November 2022 at 2.15 pm

### **Present**

#### **Councillors**

P J Heal (Chairman)  
S J Clist, Mrs C Collis, Mrs C P Daw,  
B Holdman, D J Knowles, F W Letch and  
B G J Warren

### **Apologies**

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

Mrs F J Colthorpe, L J Cruwys and  
B A Moore

### **Also Present**

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

J Buczkowski

### **Present**

#### **Officers:**

Richard Marsh (Director of Place), Maria De Leburne (District Solicitor and Monitoring Officer), Angharad Williams (Development Management Manager), Adrian Devereaux (Area Team Leader), John Millar (Area Team Leader), Tina Maryan (Area Planning Officer), Daniel Rance (Principal Planning Officer), Jake Choules (Planning Officer), Carole Oliphant (Member Services Officer) and Jessica Rowe (Member Services Apprentice)

## 83 **APOLOGIES AND SUBSTITUTE MEMBERS (0.03.24)**

Apologies were received from Cllrs Mrs F J Colthorpe, B A Moore and L J Cruwys

## 84 **PUBLIC QUESTION TIME (0.03.44)**

Jamie Byrom, a local resident referring to no 5 on the plans list stated:

Question 1 – With reference to evidence I have provided to her in advance of this meeting, please would the Legal Officer confirm (with relevant explanation and supporting evidence) whether or not the application as made on 26 August 2022 was valid?

Question 2 – During the Inquiry site visit, the Inspector found the required visibility along the line now shown on S278 plans for the NE access to be unachievable. What evidence (if any) has been provided to the case officer to justify the LHA's decision to accept the S278 plan that applies exactly the same visibility that she has proved not to work?

Question 3 – Will the officer confirm to the Planning Committee that the Local Highway Authority responded to consultation in September and that among their comments they told him that “DCC could not give you [the applicant] permission to open a new access”?

Q4. The covering letter from the applicant’s agent supports variation on the grounds that inspectors wording of the relevant conditions is flawed. I’ve searched the officers report to this committee and I can’t find his view on that crucial claim whether its flawed or not. So, I ask just for clarity is it the officers professional opinion that in her appeal decision of April 2021 his majesty’s inspector wrote flawed conditions that were unreasonable, unnecessary or unlawful?

Q5. Please will the officer inform us precisely what changes in laws, regulations, policies, guidance, or even local circumstance unknown to the inspector in April 2021, now mean that her wording of the conditions must be varied?

Q6. Will the officer confirm that the wording that went out to publication in September retained the inspectors requirement that S278 plans must be approved by the local planning authority, but that this requirement has been very recently dropped from the wording that’s before the committee today, and that it never went out to public consultation?

Mr Elstone, a local resident asked:

#### AGENDA ITEM 10 – PLANNING COMMITTEE PROCEDURE

##### QUESTION 1.

The proposed changes to the Planning Committee Procedure focus on Public Question time.

Why is it deemed a requirement to make Public Questions far more prescriptive and with increased editorial rights?

Changes it would seem to further stifle the Democratic Process and Public Engagement in MDDC.

#### RED LINHAY ANAEROBIC DIGESTER – REMOVAL OF NOISE CONDITION 13.

##### QUESTION 1

A Red Linhay Noise Survey dated March 2018 shows sound levels significantly exceeded Planning Condition requirements.

Rather than the applicant showing he has remedied the high noise level, he seeks not to have further noise assessments undertaken.

Why after over 4 years has this breach of planning condition 13 not to been enforced?

## QUESTION 2

In early 2020 the MDDC Specialist Environmental Protection Officer raises concerns about the sound level produced by a conveyer dryer and mentions the requirement for a noise assessment against BS4142.

Conveyor driers can loud. Around 100dB under full load 97dB being equivalent to an industrial fire alarm.

Can it be confirmed if this as noise assessment was ever completed?

## QUESTION 3

Despite the applicant further industrialising the Red Linhay site and including producing feed pellets it is believed for commercial sale. Requiring additional noise producing equipment installed without any planning apparent application.

Is this not more reason to enforce even enhance Condition 13 and not remove?

## QUESTION 4

Using the applicant's own data submission to MDDC the Red Linhay AD is producing and exporting over twice as much electricity as the planning condition allows. It has been doing this since 2019.

Therefore, more noise generating equipment is running 24/7.

Why has this planning condition not been enforced as it is a planning violation that has far reaching consequences for the local community and not just noise?

- GILBERT'S LODGE – MOREBATH.

## QUESTION 1

Can the Planning Officer please confirm that my understanding of the Gilbert's Lodge development timeline is correct?

- Started as a redundant stone built barn.
- Permission granted to convert barn to a fishing lodge on holiday let and with an agricultural holding type restriction.
- Permission granted in 2016 to occupy as part residential use and part holiday let for months of June thru August.
- Permission granted in 2020 applicant for full residential use but with restrictions on development
- Application to be decided that would permit demolition of the stone barn conversion and the erection of an ultra-modern house nearly 4 times as big and not on the existing location/footprint.

## 85 DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT (0.10.57)

Members were reminded of the need to make declarations where appropriate

## 86 MINUTES OF THE PREVIOUS MEETING (0.11.08)

The minutes of the meeting held on 2<sup>nd</sup> November 2022 were agreed as a true record and duly **SIGNED** by the Chairman

87 **CHAIRMAN'S ANNOUNCEMENTS (0.11.52)**

The Chairman reminded Members of the two meetings to be held in January on 4<sup>th</sup> and 18<sup>th</sup>.

88 **WITHDRAWALS FROM THE AGENDA (0.12.32)**

There were no withdrawals from the agenda

89 **THE PLANS LIST (0.12.39)**

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 22/01556/MFUL - Erection of new external heat pump systems, installation of solar car ports to parking areas and installation of photovoltaic panels to existing roofs at Exe Valley Leisure Centre, Bolham Road, Tiverton.*** Planning Permission subject to conditions be granted as recommended by the Development Management Manager

(Proposed by the Chairman)

**Reason for the decision:** As set out in the report

Notes:

- Cllr D J Knowles made a declaration in accordance with protocol of Good Practice for Councillors dealing with planning matters as he was Cabinet Member for Community Wellbeing
- The Chairman provided the following updates:

Since the writing of the committee report, and publication of the agenda, the Tiverton Neighbourhood Plan has been approved at Referendum. As such, it now forms part of the statutory development plan. As such, it now carries full weight when considering planning application.

The proposal is not considered to be affected by the addition of the Tiverton Neighbourhood Plan to the development plan but consideration should be given



to the relevant policies contained within the neighbourhood plan. For the record, the relevant policies are:

Policy T4: Character of Development  
Policy T5: Design of Development  
Policy T6: Energy Efficiency and Design  
Policy T7: Minimising the Risk of Flooding

The development is considered to comply with these policies of the Tiverton Neighbourhood Plan.

Since the writing of the committee report, and publication of the agenda, the Lead Local Flood Authority (Devon County Council Flood and Coastal Risk Management Team), have provided last minute comments.

No further issues have been raised with reference made to reviewing the possibility of providing rain gardens or SuDS planters, which is the reason why condition 3 was imposed. Nothing changes in that respect.

The LLFA have also asked, if it is not too late, whether a pre-commencement condition could be added for managing surface water during the construction stage, as follows:

“No part of the development hereby permitted shall be commenced until a detailed surface water drainage management plan for the full period of the development’s construction, has been submitted to, and approved in writing by, the Local Planning Authority, with consultation with Devon County Council as the Lead Local Flood Authority. This temporary surface water drainage management system shall then be constructed in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority, with consultation with Devon County Council as the Lead Local Flood Authority, and shall thereafter be so maintained.

Reason: To ensure that surface water from the construction site is appropriately managed so as to not increase the flood risk, or pose water quality issues, to the surrounding area.”

While this is noted, officers do not feel that this condition is necessary as the construction works proposed are not considered to be of a nature that would be likely to generate additional flood risk or water quality issues. Should Members wish however, this condition could be added.

***b) Application 22/01835/TPO - Application to fell 1 Chestnut tree protected by Tree Preservation Order 94/00009/TPO at Land at NGR 303328 110201, Harpitt Close, Willand.*** Permission be granted as recommended by the Development Management Manager

(Proposed by the Chairman)

**Reason for the Decision:** As set out in the report

Notes:

- 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

***c) Application 22/00735/MARM - Reserved matters for the erection of 200 dwellings following outline approval 17/01346/MOUT at Land at NGR 301738 107814, Tiverton Road/, Goblin Lane***

The Area Planning Officer Major Projects Cullompton outlined the application by way of a presentation highlighting an aerial photograph, phase 1 applications, site layout, street elevations, site sections, garden sections, house types, landscaping and photographs of access point and views of the site.

The officer advised that there were proposals to update conditions 2 and 7 and that the Flood Authority had withdrawn all its objections.

Consideration was given to:

- The application meeting Policy HS04 of the Cullompton Neighbourhood Plan
- The RSPB could be consulted on the appropriate bird boxes to be installed
- The developer would provide access up to the boundary of the existing allotments but access into the allotment site would be the responsibility of the Town Council
- The detached garages complied with size requirements but the integral ones did not but that was because they were additional to the two parking spaces required
- The views of the applicant who provided the key points of the application including the importance of the spine road, much needed affordable housing, parking in line with policy, the provision of a terraced green viewpoint and significant S106 package
- The views of the Town Council who felt the application was contrary to policy HS04, that the developer could get permission from an adjoining site owner for construction site access to complete the spine road and permission should not be given until the spine road was complete
- Open spaces would be managed by a management company

It was therefore **RESOLVED** that Reserved Matters were approved subject to conditions as recommended by the Development Management Manager subject to amendments to condition 2 and 7:

Condition 2.

A revised Landscape Strategy Plan has been submitted. The Landscape Strategy Plan referred to in condition 2 should be version Rev P09.

Condition 7.

The Landscape Strategy Plan should also be updated to version Rev 09. The applicant has also requested that earthworks associated with the installation of development drainage networks are also included to the exceptions for protection of the retained grassland as foul drainage will need to be installed within this area. Your officers consider this to be reasonable. The condition should therefore read:

There shall be no temporary or permanent storage or depositing of material on the floodplain of the St Georges Well Stream/the area shown hatched in green as retained grassland on Landscape Strategy Plan 10640-FPCR-ZZ-XX-DR-L-0003 Rev P09, except that associated with creation of the highway that crosses it. This includes the arising's from creation of the proposed channel and scrapes. All retained grassland within this area where earthworks are not being carried out in relation to the realignment of the stream, creation of the scrapes, provision of the footpath or bridge, installation of development drainage networks, or construction of the highway that crosses it, shall be fenced off and protected during the entire period the construction works take place.

(Proposed by Cllr F W Letch and seconded by Cllr D J Knowles)

**Reason for the decision:** As set out in the report

Notes:

- The applicant Ciara McGinty spoke
- Cllr J Buczkowski spoke on behalf of Cullompton Town Council

***d) Application 22/01234/FULL - Erection of a replacement dwelling with garage/workshop and landscaping following demolition of existing at Gilberts Lodge, Morebath, Tiverton.***

The Area Team Leader outlined the application by way of a presentation which highlighted an aerial image, existing site plan, proposed site plan, existing elevations, proposed elevations, sections, existing floor plans, proposed floor plans, proposed landscape strategy and photographs of the site. He also noted that no appeal had in fact been made against non-determination, as advised in the Committee Report. As such, Members were entitled to determine the application.

The Area Team Leader confirmed that the statements made by the public questioner were correct. He also recommended that Local Plan policy S14 (Countryside) be added to the refusal reason, if Members resolved to determine in line with the officer recommendation

Consideration was given to:

- The property had no existing permitted development rights and did not comply with Policy DM10
- The views of the agent who stated that permitted development rights should not have been removed and the application was compliant to Policy DM10
- The views of the Ward Member who felt that the property was not suitable for upgrading, the application had the support of the Parish Council and that planning permission should be granted

It was therefore **RESOLVED** that planning permission be refused as recommended by the Development Management Manager for the following reason:

The proposed development comprising the demolition of a traditional barn conversion used for residential purposes, and its replacement with a new dwellinghouse, is unacceptable by reason of the increase in floor space by approximately 211 square

metres, which is equivalent to an increase in around 370% of original floor space. This is contrary to policy DM10 of the Mid Devon Local Plan (2013-2033), which limits the floor space of replacement dwellinghouses outside defined settlement limits to no greater in size than the existing dwelling, taking into account any unspent permitted development rights. As the existing dwellinghouse is a barn conversion, permitted development rights were removed, in order to preserve the traditional character of the former agricultural building. The existing building has a floor space of 78.18 square metres, with no permitted development rights available. As such, with no realistic fall-back position available, any replacement dwelling should not have a floor space exceeding 78.18 square metres. Furthermore, there is an in-principle objection to the replacement of a dwellinghouse that was only granted under special circumstances, those being that it related to the conversion of a traditional building of substantial and permanent construction that positively contributed to the area's rural character, and was able to be converted without significant alteration, extension or rebuilding. As such, the proposed development is considered to be contrary to the aims and objectives of the most up to date Local Plan policy relating to the conversion of rural buildings, policy DM9, as well as failing to accord with the requirements of policies S14 and DM10.

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

**Reason for the Decision:** As set out in the report

Notes:

- Cllr P J Heal, S J Clist, Mrs C Collis, Mrs C P Daw, 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 knew the applicant
- The agent Chris Burton spoke
- Cllr R Stanley provided a written statement as Ward Member

***e) Application 22/01688/MOUT - Variation of conditions 7, 9, 10 and 11 of planning permission 17/01359/MOUT to amend the requirement for access and highway works from pre-commencement of development to occupation of development (Outline for the erection of 60 dwellings and construction of new vehicular access onto highway to the West of the site) at Land and Buildings at NGR 302469 114078, Higher Town, Sampford Peverell.***

The Area Team Leader, in response to questions asked by the public confirmed:

1. Incorrect Certificate submitted as the applicant doesn't own all the land on site.

This was address to the Legal Officer but I have liaised with them in order to provide a response. Certificate A was submitted as part of planning application which made the application valid. It should first be noted that there is an existing planning permission on the land (outline and reserved matters both approved) and that the main point is that any permission runs with the land. In terms of not having served notice on all owners, the applicant can serve notice on said owner and submit Certificate B for the planning file. This certificate would not change the decision which should be taken as a new certificate would be correcting a procedural irregularity.

The recommendation is to approve the variation to the wording of conditions subject to completing a Deed of Variation to the original S106 agreement and therefore submission of a correct certificate could take place at the same time a Deed of Variation to the Legal Agreement is being worked on.

The issue of ownership has been raised to the applicant and their solicitor commented as follows:

In relation to the pending s73 application (22/01688/MOUT), I confirm that the owners of the two 'rounding' areas of land had agreed to transfer this to Edenstone, but the transfer plan was not updated at the time. The owners will execute a separate transfer to Edenstone to incorporate these areas into the site, and confirmation from their agent will follow. In terms of the procedural notice requirements and the ownership certificate in the application, each of the owners are well aware of our application to change the timing of the highway works, so no one has been prejudiced as a result of those notices not being served.

There is also case law in relation to the necessary certificate within the application:

[Main v. Swansea City Council and Others CA (1985) 45 P&CR.26] where the Court of Appeal held that:

'(1) ... a factual error in a certificate ... might be no more than an irregularity that did not go to the jurisdiction of the local planning authority to entertain the application..'

2. Concern raised that the visibility splay for the NE access cannot be achieved.

As noted in the officer report plans have been submitted as part of the S278 Works which have received technical approval. The visibility splays were checked on site and it was found that the OS mapping is wrong and I have been passed a copy of the plan produced by Hydrock which is based on topographical survey information which confirms the building does not obstruct visibility. I have printed some copies for Members so you can see this addresses concerns as to whether the works could be delivered.

3. Reference made from the Local Highway Authority to the applicant that they were unable to approve a new access.

To explain the context for this response, it should be noted that the initial planning submission also included a change of wording for condition 8 which relates to the main vehicular access into the site which would have also meant it being implemented prior to occupation of the first dwelling but this was withdrawn as it was pointed out by the Local Highway Authority that this access is required to be provided pre-commencement in order to allow the development to be built out. Therefore S278 plans have been submitted for the creation of the main access into the site which will be provided prior to commencement of the housing development.

4. Do I believe the Planning Inspector's conditions were flawed?

Short answer is no, the Planning Inspector determined the development on the information to hand at the time and outlined in Paragraph 196 of the appeal decision 'Conditions 7 to 11 are necessary and reasonable to ensure that safe and suitable

highway works for vehicles, pedestrians, and cycles, are fully assessed and delivered. It is reasonable and necessary to require that they are worded as pre commencement of development conditions to ensure that the schemes are achievable and delivered in accordance with MDLP Policy SP2 g) and paragraph 108 of the Framework.

As outlined in the Planning Inspector's Report and noted upon by objectors in representations received, there were concerns during the appeal over delivery of these highway works which is why the Planning Inspector took the decision to impose pre-commencement conditions.

5. What has changed in Legislation that means the conditions should be varied?

The main change is that at the time the Planning Inspector made their decision they were only assessing the outline planning application, the principle and access into site. Since then the Local Planning Authority has approved the reserved matters (22/00040/MARM) where details of Layout, Scale, Appearance and Landscaping were provided and considered at length with no objections from Statutory Consultees such as the Lead Local Flood Authority or Local Highway Authority. Also since the submission of this application, full highway plans have been submitted to the Local Highway Authority as required by the S278 works and these have received technical approval with the plans placed on this application file.

Therefore the situation has moved on since when the Planning Inspector considered the principle of the development and means of access. Therefore in light of why the reasons were imposed and the fact that it has been identified that the highway works can be delivered, the question then to ask is whether it would be reasonable to allow these highway works to be implemented prior first occupation of the development rather than pre-commencement. I will outline this case further in the presentation to follow but would note that the requirements for the conditions arise from new residents arriving which will not occur until such time as the houses can be occupied and to refuse would only delay the delivery of this housing on an allocated site within the Local Plan. The NPPF makes clear that local planning authorities should approach decisions on proposed development in a positive and creative way; they should work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area.

6. The requirement for details to be submitted and approved by the Local Planning Authority which appears to have been dropped.

It is the Local Planning Authority who formally discharge planning conditions. When the conditions relate to highway works, we consult with the Local Highway Authority to confirm whether the information submitted is acceptable and the condition can be discharged.

This application is to vary the wording of conditions 7, 9, 10 and 11 and as required by these conditions the full detailed highway plans have been submitted as part of the S278 works and these plans have also be placed on file. The Local Highway Authority has confirmed technical approval. In light of this the condition wording is recommended to be varied so that these highway works are implemented prior to occupation of the first dwelling on site.



The Area Team Leader then outlined the application by way of a presentation which highlighted the site location plan, existing condition wording and the proposed condition wording.

Consideration was given to:

- The Flood Authority and Highways Authority had no objections to the revised wording of the conditions
- Technical approval plans had been confirmed by the Highways Authority
- Safety Audits of the access would have to be carried out and completed successfully
- S73 of Town and Country Planning Act 1990 allowed applicants to apply to vary conditions of a planning permission
- The plans submitted had technical approval and therefore concerns from the Inspector over deliverability had been addressed
- A construction management plan had to be agreed and discharged before any works could commence
- The views of the objector who stated that the Inspector knew the concerns and had required a detailed plan. The appeal stated that highways should be fully delivered prior to commencement
- The views of the applicant who stated that they were seeking to vary four conditions to amend the timeframe of offsite highways works. The works were bonded by a 278 agreement which would ensure that the highways works were completed and that the variation to timeframes would allow for development to commence
- The Highways Authority Officer confirmed that four safety audits had been completed on the visibility splays to ensure safety
- The views of the Parish Council who stated that road safety was the main consideration and that there were concerns with construction traffic and vehicle movements going through the village
- The views of the Ward Member who stated that the villagers had looked into this and that the village would be affected. The Inspectors original conditions should be adhered to

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

(Proposed by the Chairman)

**Reason for the Decision:** As set out in the report

Notes:

- Cllr B G J Warren made a declaration in accordance with protocol of Good Practice for Councillors dealing with planning matters as he was involved in the appeal and had been contacted by objectors
- Cllr B Holdman made a declaration in accordance with protocol of Good Practice for Councillors dealing with planning matters as he knew the neighbours

- Cllr Mrs C Collis made a declaration in accordance with protocol of Good Practice for Councillors dealing with planning matters as she had been involved in the appeal and was Ward Member
- Cllrs Mrs C P Daw, D J Knowles, S J Clist and P J Heal all made declarations in accordance with protocol of Good Practice for Councillors dealing with planning matters as they had received correspondence
- Jamie Byrom spoke as the Obejctor
- The applicant Tim Smale spoke
- Cllr Culpin spoke on behalf of Sampford Peverell Parish Council
- Cllr Mrs C Collis spoke as Ward Member
- Cllrs B G J Warren and Mrs C Collis requested that their votes against the decision be recorded

***f) Application 22/00868/MFUL - Removal of condition 13 of planning permission 17/01142/FULL - further noise assessments at Land at NGR 299621 112764 (Red Linhay), Crown Hill, Halberton.***

The Planning Officer outlined the application and confirmed that it was to vary condition 13 and not remove it all together. The incorrect noise level had been previously stated and the application was to amend the noise level requirement so that it could be enforceable.

In response to questions asked by the public he stated that the questions all related to enforcement issues which did not form part of the application in front of Members.

Consideration was given to:

- Public Health confirmed that the change was required so that the noise level was set accurately and tidied up for consistency
- The condition was being amended so that it could be enforceable
- The views of the Parish Council who would support the amendment to the condition and requested regular noise assessments
- The view of the Ward Member who objected strongly to the condition being removed altogether and that the revised condition noise levels should be enforced

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

(Proposed by Cllr S J Clist and seconded by Cllr F W Letch)

**Reason for the Decision:** As set out in the report

Notes:

- Cllrs C P Daw and B G J Warren made declarations in accordance with protocol of Good Practice for Councillors dealing with planning matters as they had received correspondence
- Cllr B Holdman made a declaration in accordance with protocol of Good Practice for Councillors dealing with planning matters as he sat on Tiverton Town Council planning committee



- Cllr C Ayre spoke on behalf of Halberton Parish Council
- Cllr R Radford provided a written statement which was read out by the Chairman
- Cllr F W Letch left the meeting at 5.15pm and took no further part in discussions or voting

**g) Application 22/01437/FULL - Conversion of redundant agricultural building to a dwelling at Barn at NGR 287821 106397 (Orchard Hayes Farm), Cheriton Fitzpaine, Devon.**

The Planning Officer outlined the application by way of a presentation which highlighted and aerial image, site location plans, block plans, existing plans, proposed plans and photographs of the site.

The Officer explained that the application came under Policy DM9 and referenced the poor state of the building which had no agricultural features and was not eligible for conversion under Class Q.

Consideration was given to:

- The views of the agent who stated that the application had previously been submitted under Class Q but because of other works on the site was not eligible but that it met all the requirements of Policy DM9
- Views of Members who felt the building could not be converted and would need to be completely rebuilt which was not in line with Policy DM9

It was therefore **RESOLVED** that planning permission be refused as recommended by the Development Management Manager for the following reason:

The site is in a countryside location where it is the policy of the Local Planning Authority to resist new housing development unless it is demonstrated that the proposal serves a genuine agricultural or other appropriate need. In the opinion of the Local Planning Authority the building is not worthy of conversion and retention as it is not of a design or appearance which is important to the character and appearance of the area. In addition the proposed development would be located where it is remote from adequate services, employment, and public transport and will therefore increase the need for travel by private motor vehicles. The proposal is therefore contrary to Policy S1 & DM9 of the Mid Devon Local Plan 2013-2033.

(Proposed by B G J Warren and seconded by B Holdman)

**Reason for the Decision:** As set out in the report

Notes:

- Simon Archer spoke as the Agent

90 **MAJOR APPLICATIONS WITH NO DECISION (2.57.11)**

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

The Committee agreed that:

1. 22/02102/MFUL – To Committee if officer was minded to approve and a full site visit be arranged (on a Tuesday if possible)
2. 22/01492/MFUL – remain delegated
3. 22/0191/MFUL- remain delegated
4. 22/00505/MFUL – remain delegated
5. 22/01901/MFUL – remain delegated
6. 22/01893/MFUL - To Committee if officer was minded to approve – No site visit required

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

#### 91 **APPEAL DECISIONS (3.06.21)**

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

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

#### 92 **PLANNING COMMITTEE PROCEDURE (3.06.38)**

The Committee had before it some suggested amendments to the Planning Committee Procedure.

In response to questions asked by the public the District Solicitor and Monitoring Officer stated that the requirement for the public to submit questions in advance was to assist both the public and officers in being able to receive comprehensive replies to sometimes very complex and technical questions

Consideration was given to:

- The reasons why it was preferable for officers to receive questions in advance so that full and concise answers could be provided
- If implemented there would be cost savings by not having to defer applications for further answers to be investigated
- That the procedure should be further updated to state that adjacent Ward Members could speak at the Chairman's discretion

It was therefore **RESOLVED** that the Planning Committee Procedure be updated with the suggested amendments

(Proposed by the Chairman)

**Reason for the Decision:** To ensure that the Council rules for public questions were aligned to the Planning Committee Procedure and to ensure that Planning Officers received questions in advance to facilitate full responses in meetings

(The meeting ended at 5.56 pm)

**CHAIRMAN**

This page is intentionally left blank

**FULL COUNCIL  
14 DECEMBER 2022**

## **MEMBER ALLOWANCES SCHEME - INDEPENDENT REMUNERATION PANEL REPORT**

**Responsible Officer:** Maria De Leburne, District Solicitor

**Reason for Report:** To determine the Members' Scheme of Allowances for 1 April 2023 to 31 March 2024.

**RECOMMENDATION:** That the Members' Allowances Scheme in Appendix 2 be adopted for the period 1 April 2023 to 31 March 2024.

**Financial Implications:** If the retrospective increase in the Basic Allowance is approved at 4.04% there will be a slight increase, and in the amount of Special Responsibility Allowances (SRA's) paid. This is because SRA's are based upon a multiplier of the Basic Allowance. The recommendations do not propose any other financial increases – therefore there are no additional financial implications for the Council.

**Budget and Policy Framework:** N/A

**Legal Implications:** None beyond those covered in this report.

**Risk Assessment:** The Council must take account of the IRP's report to avoid potential successful challenge of its Scheme.

**Equality Impact Assessment:** None beyond those issues identified in this report.

**Impact on Climate Change:** N/A

### **1.0 Background**

1.1 The Council is required to consider its Members' Scheme of Allowances taking account of a relevant report of its Independent Remuneration Panel before making any changes to the allowances for the following financial year. Accordingly, the Panel convened in November 2022 to consider the scheme for 2023/24.

1.2 The previous (and currently adopted) member allowances scheme refers to members' allowances being 'increased in line with, but no greater than, any staff pay award.' This has been straightforward in previous years where the national staff award has been a percentage figure – since the same percentage figure has then been applied automatically to members' allowances.

1.3 This year the staff award has been a cash-flat amount applied at all levels. Therefore there is no single percentage figure to be automatically applied as per the policy.

1.4 The Independent Remuneration Panel considered this when they met in November and their full report is included in Appendix 1. The report sets out the range of information the Panel considered, its findings and reasons for its recommendations.

## 2.0 Recommendations

2.1 A draft Scheme of Members' Allowances for 2023 – 2024 which incorporates all of the IRP's recommendation is attached at Appendix 2. The IRP proposed retrospective amendments to the current scheme are limited to the following:

- (a) Retrospective Increase of the Basic Allowance of 4.04% which is £218.26 to £5620.96 per annum pending a fundamental review;
- (b) The existing Special Responsibility Allowance multipliers remain, but the amounts payable be rounded up / down to the nearest pound; and
- (c) A full fundamental review to take place next year after the election.

### Contact for more Information:

[mdeleiburne@middevon.gov.uk](mailto:mdeleiburne@middevon.gov.uk) and [slees@middevon.gov.uk](mailto:slees@middevon.gov.uk)

**MID DEVON DISTRICT COUNCIL  
INDEPENDENT REMUNERATION PANEL**

---

**REPORT ON MEMBERS' ALLOWANCES  
1 APRIL 2023 - 31 MARCH 2024**

---

**1. INTRODUCTION**

- 1.1 The Local Authorities (Members' Allowances) (England) Regulations 2003 require the Council to have regard to the recommendations of an independent panel in agreeing allowances paid to councillors.
- 1.2 The Independent Panel operates under the provisions of the Local Authorities (Members' Allowances) (Regulations) 2003. These regulations require that all councils set up independent panels and take account of their advice before agreeing their councillors' allowances scheme.

**2. MEMBERSHIP**

- 2.1 Mid Devon District Council's Independent Remuneration Panel ("the IRP") consists of Jeremy Filmer-Bennett, Marianne Hulland and Karen Stone (Panel Chair) all of whom have considerable experience of undertaking reviews for the Council on the matter of Member Allowances.

**3. REVIEW CURRENT SITUATION**

- 3.1 The IRP met on the 1 November 2022 and were supported by the District Solicitor and Monitoring officer and a Member Services Officer.
- 3.2 This report sets out the findings, conclusions and recommendations of the IRP concerning Member Allowances for April 2023 to March 2024 which convened in November 2022.
- 3.3 In advance of the meeting the Panel received a range of information which it has considered as part of its review including:
  - The South West Councils' survey detailing the allowances paid to councillors in similar local authorities across the South West;
  - The previous IRP report;
  - The current Scheme of Members' Allowances;

- Feedback from Members;
  - The LGA approved Pay rise of £1,925 for staff and the % equivalent range for each spinal column point (SCP).
- 3.4 A summary of the general introductory conversation was that a full fundamental review was due to have taken place this year. However this had not been carried out as planned due to a lack of resources within the Council. The Panel noted that Mid Devon District Council ('the Council') will carry out a full fundamental review after the election next year. It was agreed that after the elections the Council will know more about available government funding, what local government is facing in the future and what resources will be available, and this will also enable the Council to carry out exit interviews with outgoing Councillors, and obtain the views of the new incoming Councillors.
- 3.5 The Panel recognises the effect of the cost of living and discussed impacts on the Council as a rural district. It was acknowledged that Members now attend the meetings in-person but can also attend remotely via Zoom as the Council hosts hybrid meetings. However, if they are a member of the committee they must be present in the room to be able to vote.
- 3.6 In response to the Member consultation on the current allowances scheme, four Members responded and only two of these provided comments. Noting the limited response from the 42 councillors consulted, the Panel recognised it was difficult for councillors to advocate changes to allowances, which would benefit them. The Panel also discussed the fact that allowances were responsibility linked and Members views were vital to enable the Panel's better understanding of Members' roles. The Panel also discussed external influences and the effect of social media. The IRP conveys it thanks to those that responded to the recent consultation.

#### **4. SOUTH WEST COUNCILS SURVEY 2022**

- 4.1 The Panel considered the benchmarked data and continued to be of the opinion that the current allowances at Mid Devon District Council appeared to be in line with other similar authorities and were still 'reasonable' within that context.

#### **5. MDDC SCHEME OF MEMBERS ALLOWANCES FOR 2023-2024**

- 5.1 Taking account of the all the information provided, the IRP considers the various elements of the current Scheme of Allowances in this section of the report.
- 5.2 The proposed pay scales by the LGA had been agreed that day as two of the three unions had agreed to the Employers' offer. This was not a straightforward % as it had been in the past, but rather a payment of £1,925 increase across the board for each spinal column point. Part of



the pay agreement was also that all allowances would go up by 4.04% with effect from 1 April 2022. This payment is therefore retrospective.

**Basic Allowance**

- 5.3 The IRP took into account the agreed pay agreement from today and they agreed that £1,925 was too high as the basic allowance as this is in effect over a 35% increase. It was then discussed what the increase should be applied to the allowances.
- 5.4 This year’s recommended change to allowances will maintain a link with the provisions of the staff award, which included an increase of 4.04% for allowances.
- 5.5 In doing so the Panel agreed that the % increase applied would be based on the 4.04% in line with the allowances part of the pay agreement for payments retrospectively from 22/23. It has increased from £5402.70 to £5620.96 p.a.
- 5.6 However the Panel noted that other IRP’s were undertaking further work on the appropriateness of attaching the basic allowance to a particular SCP and suggested that they would carry out more research for 23/24 to consider during the fundamental review.

**Special Responsibility Allowances (SRA)**

- 5.7 The Regulations provide that SRA may be paid to those Members of the Council who have “significant additional responsibilities” over and above the generally accepted duties of a Councillor. In setting the SRAs, the Panel has in the past concluded that the best approach was to use the Basic Allowance as the starting point and then give a weighting to the role attracting the SRA which could be applied to the Basic Allowance. This is an approach applied by many authorities. The Panel remains of the view that the link between the Basic Allowance and SRA is an important one.
- 5.8 The Panel agreed that they wished to leave the SRA until the full fundamental review is carried out. For the avoidance of doubt the SRA will go up retrospectively based on the 4.04% increase on the basic allowance and the SRA multipliers remain, but the amounts payable be rounded up / down to the nearest pound.
- 5.9 The IRP does not consider any changes to the multipliers for SRAs is needed but given the amounts which result, suggest that the amounts payable on applying the relevant multiplier be rounded up / down to the nearest pound. As such the following levels of SRA’s until 31 March 2023 should apply (see fourth column):

<b>Position</b>	<b>Weighting x Basic</b>	<b>SRA (based</b>	<b>SRA to be included in</b>
-----------------	------------------------------	-----------------------	----------------------------------

	<b>Allowance (BA)</b>	<b>upon BA of £5620.96)</b>	<b>the Scheme</b>
Leader of the Council	3.00	£16862.88	£16863
Deputy Leader	1.50	£8431.44	£8431
Cabinet Member	1.25	£7026.20	£7026
Scrutiny Committee Chair	1.25	£7026.20	£7026
PDG Chair	0.75	£4215.72	£4216
Audit Committee Chair	0.75	£4215.72	£4216
Planning Committee Chair	1.25	£7026.20	£7026
Licensing/Regulatory Chair	0.25	£1405.24	£1405
Standards Chair	0.25	£1405.24	£1405
Chairman of the Council	0.50	£2810.48	£2810

- 5.10 For the avoidance of doubt, the Panel continues to take the view that Members should only be entitled to claim one SRA.

### **Carer's Allowance**

- 5.11 The IRP considers the current Carer's Allowance within the Scheme is still fit for purpose and shall remain the same.

### **Travel and Subsistence Allowances**

- 5.12 The Panel therefore continues to recommend that reimbursement of approved mileage remain at the current rates published by HMRC which for 2023/2024 are):

- 45p per mile for the first 10,000 miles
- 25p per mile thereafter
- 5p per mile per passenger carried (up to a maximum of 4 passengers, payable to the driver)
- 20p per mile for push bikes
- 24p per mile for motorcycles

#### ***(All claims to be submitted with receipts)***

- 5.13 The Panel does not consider any changes to the current arrangements are needed and as such subsistence allowances should remain consistent with those for employees which are amended in line with the HMRC rates which are:

- One meal (5 hour) ceiling                      Upper limit £5
- Two meal (10 hour) ceiling                    Upper limit £10
- Three meal (12 hour) ceiling                Upper limit £15
- 24 hour ceiling                                    Upper limit £20

#### ***(All claims to be submitted with receipts)***

**Summary of Recommendations:**

The Independent Remuneration Panel recommends to Full Council the following:

- a. That the 22/23 Basic Allowance is retrospectively made at 4.04% increasing it from £5402.70 to £5620.96.
- b. That a full fundamental review is carried out in relation to 23/24 after the May elections.
- c. That the Member's Allowances Scheme as set out in Appendix 2 is approved which takes into account the retrospective staff linked pay increase at 4.04%.

Independent Remuneration Panel

Jeremy Filmer-Bennett  
Marianne Hlland  
Karen Stone

1 November 2022

This page is intentionally left blank



## **MEMBERS' ALLOWANCES SCHEME 2023 - 2024**

The Mid Devon District Council, in exercise of the powers conferred by the Local Authorities (Members' Allowances) Regulations 2003, hereby makes the following scheme:

1. This scheme may be cited as the Mid Devon District Council Members' Allowances Scheme, and shall have effect for the period 1<sup>st</sup> April 2023 until the 31<sup>st</sup> March 2024.

2. In this scheme:

“Approved Duties” means those duties set out in Schedule 2

“Councillor” and “Member” both mean an elected Member of Mid Devon District Council; and

“year” means the twelve months ending with 31<sup>st</sup> March.

### **Basic Allowance**

3. Subject to paragraph 6, from 1<sup>st</sup> April 2023 a Basic Allowance of £5620.96 per annum shall be paid to each Councillor (subject to any in year staff increase). During the year, it will be increased in line with, but no greater than, any staff pay award.

### **Special Responsibility Allowances**

4. (a) For each year a Special Responsibility Allowance shall be paid to those Councillors who hold the Special Responsibilities in relation to the Council that are specified in the Schedule to this scheme. These allowances shall be calculated based upon a weighting applied to the Basic Allowance. Any increase in the Basic Allowance as a result of a staff pay award will therefore also result in an increase to the Special Responsibility Allowances.  
(b) Subject to paragraph 6, the amount of each such allowance shall be the amount specified against that Special Responsibility in Schedule 1.  
(c) No Councillor is entitled to claim more than one Special Responsibility Allowance.

### **Renunciation**

5. A Councillor may, by notice in writing given to the Deputy Chief Executive (Section 151 Officer), elect to forego any part of their entitlement to one or more allowances under this scheme.

## **Part-Year Entitlements**

6. Where a Councillor's entitlement to an allowance in this scheme begins or ends (for whatever reason) part of the way through the year, their entitlement to such allowance will be in the same proportion as the number of days during the term of office to the number of days in that year.

## **Carer's Allowance**

7. Subject to paragraph 6, a Councillor can claim a Carer's Allowance for Approved Duties, except where Schedule 2 states that such an allowance is not payable.
8. The following conditions and limitations apply to any claim for a Carer's Allowance:
  - (a) The carer must be over the age of 18 and someone who does not normally live with the Councillor as part of their family or household;
  - (b) The person being cared for is a dependent of the Councillor and is:
    - (i) a child under the age of 14;
    - (ii) an elderly person; or
    - (iii) someone with a recognised disability who cannot reasonably be left unsupervised for the period during which the Councillor is going to be absent on an Approved Duty;
  - (c) Where the care is booked and paid for by the hour, Councillors may claim the hourly rates set out in sub-paragraph (e) for the time incurred in the Approved Duty, plus the reasonable travelling time taken by the Councillor in:
    - (i) carrying out the Approved Duty; and
    - (ii) dropping off or picking up the dependant at the place of care before and after the Approved Duty;
  - (d) Where the care can only be booked and paid for as a fixed period or session, Councillors may claim for the duration of the fixed period or session plus the reasonable travelling time taken by the Councillor in dropping off or picking up the dependent at the place of care before and after the Approved Duty. If the location or timing of the Approved Duty means that two or more fixed periods or sessions need to be booked, Councillors may claim for those periods or sessions. The amount payable will be the hourly rate set out in sub-paragraph (e), unless the dependent is a child (see sub-paragraph (b)(i)) attending an Ofsted registered nursery, pre-school or playgroup – in such cases, if the hourly rate would not cover the cost of the fixed period(s) or session(s), the actual cost may be claimed;
  - (e) The hourly rate is the National Living Wage (25 and over);
  - (f) Councillors may also claim for the carer's reasonable expenses incurred whilst the dependent is in their care in accordance with this paragraph 8, provided the Councillor produces the relevant receipt from the carer in respect of those expenses.

## **Parental Leave**

9.
  - (a) The provision covers the period of absence taken following the birth or adoption of a child. Councillors are still required to attend at least one meeting of the authority in any six month period (as per S85 Local Government Act 1972).
  - (b) The Council may exercise its right to waive expulsion if non-presence relates to Parental Leave, constituting 'some reason approved by the authority before the expiry of that period' with prior agreement between the Councillor and the Council.
  - (c) Absences from meetings during Parental Leave will be recorded as such (not attributed to general absence).
  - (d) The Council will help ensure Councillors have adequate IT provision to allow them to work from home and also keep in touch while on Parental Leave and upon returning to their role.
10. The following leave periods will apply.
  - (a) Councillors giving birth / adopting through an approved adoption agency shall be entitled to take up to six months leave from the due or placement date, with the option to extend up to 52 weeks by agreement.
  - (b) Where a birth is premature, the Councillor is entitled to take leave during the period between the date of the birth and the due date in addition to the six months' period. Any leave taken to cover prematurity of 28 days or less shall be deducted from any extension beyond the initial six months.
  - (c) Councillors are entitled to take a minimum of two weeks leave if they are the biological parent or nominated carer of their partner/spouse following the birth of their child(ren).
  - (d) A Councillor who has made Shared Parental Leave arrangements through their employment should advise the Council. The Council will endeavour to replicate such arrangements.
  - (e) Where both parents are Councillors, leave may be shared up to a maximum of 24 weeks for the first six months and 26 weeks for any leave agreed thereafter, up to a maximum of 50 weeks.
  - (f) Any Councillor taking leave should comply with the notice requirements of the Council (both when the leave starts and when they return), should respond to reasonable requests for information and keep the Council informed of intended return dates and requests for extensions.
  - (g) Unless the Councillor taking leave is removed from their post at an Annual Meeting whilst on leave, or unless their Party loses control of the Council during their leave period, they shall return after their leave period to the same post, or an alternative post with equivalent status and remuneration.
  - (h) If a Councillor decides not to return at the end of their leave, they must notify the Council immediately (allowances will cease from the effective resignation date). If an election is held during the leave period and they are not re-elected, or do not stand for re-election, the Basic Allowance (and any Special Responsibility Allowance) will cease from the Monday after the election date when they would technically leave office.
11. The relevant Councillors will receive their Basic Allowance in full throughout the agreed period of leave.
12. Councillors entitled to a Special Responsibility Allowance (SRA) will continue to receive this in full subject to:
  - (a) Where a replacement is appointed to cover the period of leave, that person will receive an SRA on a pro rata basis for the period of the temporary appointment;

- (b) The payment of SRA's (to the primary SRA holder or replacement), shall continue for six months, until the date of the next Annual Council Meeting or the date when the Councillor is up for election (whichever is the earliest);
- (c) At that point, the position will be reviewed, and will be subject to a possible extension for a further six-month period; and
- (d) Should another Councillor appointed to replace the Councillor on leave already hold an SRA position, the ordinary rules relating to one SRA payment apply.

### **Travelling Allowances and Subsistence Allowances**

13. Travelling and subsistence allowances will be paid in accordance with the scales of allowance set out in Schedule 1 to this scheme in connection with or relating to the Approved Duties set out in Schedule 2. The start point for a Councillor claiming travel to attend a meeting must usually be within the administrative boundary of Mid Devon.

### **Payments**

14. (a) Payments of the Basic and Special Responsibility Allowances will be made (subject to sub-paragraph (b)), in twelve monthly instalments – one twelfth of the amount specified in this scheme will be paid on the 22<sup>nd</sup> day of each month.
- (b) Where a payment of one twelfth of the amount specified in this scheme in respect of a Basic Allowance or a Special Responsibility Allowance would result in the Councillor receiving more than the amount to which they are entitled, the payment will be adjusted to ensure that no more is paid than the amount to which the Councillor is entitled.

### **Claims**

15. Claims for the payment of Carer's Allowance and Travelling and Subsistence Allowances must be made by the person to whom they are payable within two months of the date on which an entitlement to such allowance arises. Such claims must be evidenced by relevant receipts.

### **Pensions**

16. None of the allowances contained within this scheme are eligible for inclusion within the Local Government Pension Scheme.

### **Tax and Benefits**

#### **17. Income Tax**

- (a) Basic, Special Responsibility and Carers Allowances are subject to Income Tax as they are payments made in respect of the duties of an office.
- (b) The HMRC is notified of the names and addresses of all Councillors who claim taxable allowances. Tax is deducted at basic rate until the HMRC notifies the Council of the appropriate tax code for each Councillor.
- (c) Some expenses incurred by Councillors in the course of their Council duties may be deductible against tax. Any Councillor who believes that some of their expenses as a Councillor may be tax deductible should seek appropriate tax advice.

#### **18. National Insurance Contributions**

- (a) Basic, Special Responsibility and Carers Allowance payments will attract National Insurance (NI) Contributions at levels that vary depending on the total earnings of Councillors.



- (b) Some Councillors may not be liable to any NI Contributions on Allowances if they are over the state retirement age; in accordance with prevailing legislation. See the Government website for more information. <https://www.gov.uk/tax-national-insurance-after-state-pension-age>
- (c) Some Councillors - married women or widows who have elected to pay reduced rate NI Contributions - may also need to have the NI Contributions on Allowances calculated at a reduced rate.
- (d) Councillors who are self-employed may also be subject to different levels of NI Contributions.
- (e) Councillors who believe that they fall into any of the above categories should contact the Corporate Manager for Finance who will seek further information to assist with the query. Councillors should also obtain the appropriate certificates from the Department for Work and Pensions (DWP).

### **Chairman's Civic Budget**

19. The Chairman of the Council is allocated a small budget for civic functions, not to exceed £2,000 per annum and to be agreed each year. Payments with regard to his or her Civic role should be paid retrospectively and only on production of a receipt/s

### **SCHEDULE 1**

With effect from 1<sup>st</sup> April 2023, the following are specified as Special Responsibilities in respect of which Special Responsibility Allowances are payable, and the amounts of those Allowances:

Leader of the Council	£16863
Deputy Leader of the Council	£8431
Cabinet Member	£7026
Chairman of Scrutiny Committee	£7026
Chairmen of Policy Development Groups	£4216
Chairman of Audit Committee	£4216
Chairman of the Planning Committee	£7026
Chairman of the Licensing/Regulatory Committee	£1405
Chairman of the Standards Committee	£1405
Chairman of the Council	£2810

With effect from 1<sup>st</sup> April 2021\*, the following amounts are specified as the amounts of allowance payable in respect of travelling and subsistence arising from those approved duties set out within this scheme:

- (a) Travelling Allowances:
  - 45p per mile for the first 10,000 miles
  - 25p per mile thereafter
  - 5p per mile per passenger carried (up to a max 4 passengers, payable to the driver)
  - 20p per mile for push bikes
  - 24p per mile for motorcycles
- (b) Subsistence Allowances
  - One meal (5 hour) ceiling      Upper limit £5
  - Two meal (10 hour) ceiling    Upper limit £10
  - Three meal (12 hour) ceiling   Upper limit £15
  - 24 hour ceiling                    Upper limit £20

All claims for subsistence must be accompanied by a receipt. The maximum allowance will only be paid where the cost of subsistence is equal to, or greater than, the maximum allowance.

Note: \*HMRC rates come into effect on the 1 April each year and therefore these amounts to be increased (or decreased) accordingly at that time.

## SCHEDULE 2

Description of Approved Duty	Carer's Allowance	Travel & Subsistence
1. Councillors attending meetings of Council, Cabinet, Policy Development Groups, Audit, Scrutiny, Standards and Regulatory Committees (includes Substitutes), whether members of that body or otherwise	YES	YES
2. Duly appointed Councillors attending meetings of bodies to which the Council makes appointments	YES	YES
3. (a) Any meeting authorised by the Council, Cabinet, Policy Development Groups, Audit, Scrutiny, Standards or Regulatory Committees to which Councillors of more than one Political Group have been duly (and specifically) appointed	YES	YES
(b) Non duly-appointed Councillors	NO	YES
4. A meeting of a Local Authority Association	YES	YES
5. Any conference or meeting of a body where the Council, Cabinet or a Committee have agreed to send the Councillor as a representative	YES	YES
6. (a) Any visits or inspections undertaken by Councillors, approved by the Council or any Cabinet, Policy Development Groups, Audit, Scrutiny, Standards or Regulatory Committees (includes Councillors who are members of the body, Committee, Group and substitutes)	YES	YES
(b) Non-Committee Members attending such visits or inspections by invitation of the Cabinet, Policy Development Group, Audit, Scrutiny, Standards and Regulatory Committees.	YES	YES
(c) Non-Committee Members attending uninvited	NO	YES

7.	Councillors attending as a member of a deputation approved by the Council, the Cabinet, Policy Development Group, Audit, Scrutiny, Standards or Regulatory Committees.	YES	YES
8.	Attendance by Chairman or Vice-Chairman of the Council, Cabinet, Policy Development Group, Audit, Scrutiny, Standards and Regulatory Committees at meetings with a Chief Officer where Council or Committee business is discussed	YES	YES
9.	Attendance by Chairman of the Council and Chairman of Committees acting in such capacity at meetings of Parish Councils	YES	YES
10.	For any particular duty undertaken by a Councillor for which express authority from time to time is given by the Council or in case of emergency by the Chairman or Vice-Chairman of the Council	NO	YES
11.	Civic Receptions and other social functions	NO	YES
12.	Councillors attending meetings of Parish Councils within their Wards, or as Ward Member at meetings at the specific request of a Parish Council	NO	YES
<p>Notes:</p> <p>a. In all cases, the duties for which claims are made must have been approved prior to the event.</p> <p>b. Meetings (3 above) includes Working Groups, approved seminars, and Briefing meetings where more than one Political Group is invited</p> <p>c. Other Briefing meetings fall within (8) above.</p>			

