

Public Document Pack

Mid Devon District Council

Scrutiny Committee

Monday, 30 November 2015 at 2.00 pm
Exe Room, Phoenix House

Next ordinary meeting
Monday, 4 January 2016 at 2.00 pm

Those attending are advised that this meeting will be recorded

Membership

Cllr F J Rosamond
Cllr Mrs H Bainbridge
Cllr Mrs J B Binks
Cllr Mrs C P Daw
Cllr Mrs S Griggs
Cllr T G Hughes
Cllr B A Moore
Cllr Mrs J Roach
Cllr Mrs E J Slade
Cllr T W Snow
Cllr N A Way
Cllr Mrs N Woollatt

A G E N D A

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

- 1 **APOLOGIES AND SUBSTITUTE MEMBERS**
To receive any apologies for absence and notices of appointment of substitute Members (if any).

- 2 **PUBLIC QUESTION TIME**
To receive any questions relating to items on the agenda from members of the public and replies thereto.

Note: A maximum of 30 minutes is allowed for this item.

- 3 **MINUTES OF THE PREVIOUS MEETING** (*Pages 5 - 12*)
To approve as a correct record the Minutes of the last meeting of this Committee (attached).

The Committee is reminded that only those members of the Committee

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

4 **MEMBER FORUM**

An opportunity for non-Cabinet Members to raise issues.

5 **DECISIONS OF THE CABINET**

To consider any decisions made by the Cabinet at its last meeting that have been called-in.

6 **CHAIRMAN'S ANNOUNCEMENTS**

To receive any announcements that the Chairman of Scrutiny Committee may wish to make.

7 **RIPA** (*Pages 13 - 26*)

Councillor Mrs J Roach has requested that the Committee discuss RIPA.

8 **ANAEROBIC DIGESTERS** (*Pages 27 - 38*)

At a meeting of the Committee on 10th September 2015 public concerns over operational anaerobic digester schemes in respect of noise, smell, pollution and traffic were discussed. It was resolved that a report be prepared to address the following issues in connection with anaerobic digesters.

9 **PARTNERSHIP WORKING**

At the programming panel meeting on the 14th September 2015 it was agreed that the subject of partnership working be discussed by the Scrutiny Committee to see if members felt it appropriate to set up a working group to consider this topic in more detail.

As the Council's funding from Government becomes less and less partnership working may be an area that the Council wishes to consider further in order to make savings and enable the setting of a balanced budget in future years.

There are many Councils that are already working in partnership with others and the models used and services being shared can vary from partnership to partnership.

In order for the Council to gain more of an understanding in terms of the types of partnership models including the costs, benefits and risks this may be something that a Scrutiny working group might like to consider.

10 **CULLOMPTON AND CREDITON TOWN CENTRE IMPROVEMENTS**
(*Pages 39 - 40*)

At the request of the Committee to receive a report detailing plans for the improvement of Cullompton and Crediton Town Centres.

- 11 **TIVERTON PANNIER MARKET** (*Pages 41 - 42*)
At the request of the Committee to receive an update from Head of Communities and Governance regarding the Tiverton Pannier Market. The paper outlines some of the work that has taken place since the last update and some of the plans for 2016.
- 12 **PERFORMANCE AND RISK** (*Pages 43 - 64*)
To receive a report from the Head of Communities and Governance providing Members with an update on performance against the corporate plan and local service targets for 2015/16 as well as providing an update on the key business risks.
- 13 **UPDATE ON ACTIONS TAKEN BY NEIL PARISH MP** (*Pages 65 - 72*)
The MP for Tiverton and Honiton Constituency, Mr N Parish, attended a meeting of the Committee in August 2015. The Committee to review actions taken by Mr Parish, following the meeting.
- 14 **IDENTIFICATION OF ITEMS FOR THE NEXT MEETING**
Members are asked to note that the following items are already identified in the work programme for the next meeting:

Note: - this item is limited to 10 minutes. There should be no discussion on items raised.

Cabinet Member for Housing and Property Services
Whistleblowing Update

Kevin Finan
Chief Executive
Friday, 20 November 2015

Anyone wishing to film part or all of the proceedings may do so unless the press and public are excluded for that part of the meeting or there is good reason not to do so, as directed by the Chairman. Any filming must be done as unobtrusively as possible from a single fixed position without the use of any additional lighting; focusing only on those actively participating in the meeting and having regard also to the wishes of any member of the public present who may not wish to be filmed. As a matter of courtesy, anyone wishing to film proceedings is asked to advise the Chairman or the Member Services Officer in attendance so that all those present may be made aware that is happening.

Members of the public may also use other forms of social media to report on proceedings at this meeting.

Members of the public are welcome to attend the meeting and listen to discussion. Lift access to the Council Chamber on the first floor of the building is available from the main ground floor entrance. Toilet facilities, with wheelchair access, are also available. There is time set aside at the beginning of the meeting to allow the public to ask questions.

An induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter. If you require any further information, or

If you would like a copy of the Agenda in another format (for example in large print) please contact Julia Stuckey on:

Tel: 01884 234209

E-Mail: jstuckey@middevon.gov.uk

Public Wi-Fi is available in all meeting rooms.

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **SCRUTINY COMMITTEE** held on 2 November 2015 at 2.00 pm

Present

Councillors

F J Rosamond (Chairman)
Mrs H Bainbridge, Mrs J B Binks,
Mrs C P Daw, Mrs S Griggs, T G Hughes,
B A Moore, Mrs J Roach, Mrs E J Slade,
T W Snow, N A Way and Mrs N Woollatt

Also Present

Councillor(s)

R L Stanley, D R Coren, C J Eginton and P J Heal

Also Present

Officer(s):

Liz Reeves (Head of Customer Services), Jill May (Head of HR and Development), Julia Stuckey (Member Services Officer) and Rachel Jenman (Town Centre Manager)

Also in

Attendance:

Mr T Hogg, Police and Crime Commissioner

72 **APOLOGIES AND SUBSTITUTE MEMBERS**

There were no apologies given.

73 **PUBLIC QUESTION TIME**

Referring to item 7 on the agenda Councillor S Wensley (Lapford Parish Council) asked if Mr Hogg could ensure that in future policing in rural areas would go beyond a basic response service to serious incidents, that in an attempt to cover the needs of rural communities Mr Hogg would look to improve recruitment, training & deployment of special constables from these areas - particularly Parish Constables as in the pattern already established in Northamptonshire and that Mr Hogg could confirm that he had been receiving positive support from our constituency MP Mr Mel Stride.'

The Chairman indicated that the answers to these questions would be provided at item 7.

74 **MEMBER FORUM**

There were no issues raised under this item.

75 **MINUTES OF THE PREVIOUS MEETING**

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

76 DECISIONS OF THE CABINET

The Committee **NOTED** that none of the decisions made by the Cabinet at its last meeting had been called in.

77 CHAIRMAN'S ANNOUNCEMENTS

The Chairman informed the Committee that an update he had written regarding recent training provided by the Senior Scrutiny Officer from the City of Westminster Borough Council had been circulated with WIS.

He reminded Members that the Reviewing the Effects of Efficiency Measures Working Group had requested that Members take a short questionnaire with them to Town and Parish Council meetings, paper copies of the survey were available to take away.

The Chairman also informed the Committee that to date there had been no interest in the Scrutiny intern placement from students at Exeter University. The University would be asked to advertise the vacancy again.

78 POLICE COMMISSIONER

The Chairman welcomed Mr T Hogg, Police and Crime Commissioner to the meeting.

Mr Hogg informed the Committee that he had been in post for one term and that elections would be taking place again in May 2016. He explained that the Force was facing a significant level of cuts to their budget. He considered that Devon and Cornwall was a good Force with dedicated officers and that victims were at the centre of everything. He explained that a lot of strategic work took place in areas such as terrorism, child sex exploitation and fraud. Devon and Cornwall was the largest policing area in the country and included rural, urban and coastal areas.

The Commissioner explained some of the challenges facing the Force. He reported that overall crime levels were falling which should be considered as good news; however only 25% of work carried out by the police was crime, a significant amount of time was spent dealing with other areas such as mental health issues. He also informed the Committee that traditional crime was changing from areas such as burglary and theft to areas such as child sexual exploitation, fraud, fire arms, drugs and organised crime. He further explained that it was no longer possible for the force to deal with all reports of petrol station drive-aways, non-suspicious deaths and shop lifting from large outlets and that those companies were being encouraged to put their own measures in place.

The Commissioner discussed the funding mechanism that was in place for policing and the way that national funding was distributed amongst the areas. As an example he informed the Committee that licensing funding was calculated by the number of licenced bars in the area divided by the surface area of the policing area. This resulted in £27m more in West Yorkshire than in Devon and Cornwall, despite having the same number of bars but due to the smaller area.

Mr Hogg indicated that the anticipated cuts to funding could result in the loss of 12-1300 jobs, the removal of the PCSO role, probably no neighbourhood police and road policing would be diminished. He was attending a meeting in London the following day where the funding mechanism was being discussed and he informed the Committee that some forces were considering a judicial review of the Home Office and its procedures.

The Commissioner informed the Committee that consultation would be taking place to find out if the public would be prepared to pay more to off-set some of the cuts. He explained that a 1% increase on the Council Tax to the precept for policing would provide £1m to the force. He explained that he needed to be able to demonstrate to the public how this funding would be used. This could lead to a referendum on a council tax increase.

Discussion took place regarding:

- The 25/75% split between crime work and non-crime work carried out by officers;
- The need for areas such as mental health to be dealt with appropriately to save police time;
- The benefits of joint commissioning and the potential benefits of reducing the number of forces to lower overheads;
- Special Police Officers and the need to put a proper volunteer programme in place to encourage volunteers in specialist areas. A number of Special Constables had been recruited into the force in recent years so numbers had reduced;
- Concerns that the precept would be raised for policing when other bodies such as county and district councils were also facing cuts to funding;
- The potential loss of PCSO Officers and the benefits that they had provided to the force;
- The need for town centres to feel safe in order that improvements to them are not spoiled by retail crime, anti-social behaviour, drug offences;
- The problems encountered with the 101 service and measures that were now in place to improve it;
- The use of drones by the force and the issues of privacy when they were used illegally by the public;
- The monitoring of sex offenders;
- Support received from the local MP Neil Parish;
- The future of Community Safety Partnerships;

- 24 hour drinking and the impact that this had on local communities and policing.

The Chairman thanked Mr Hogg for his time and wished him luck with the funding formula.

79 **MEMBER DEVELOPMENT UPDATE (1:32:00)**

The Committee had before it a report * from the Member Services Manager updating it regarding Member Development.

The Member Services Manager informed the Committee that the South West Charter for Member Development had originally been awarded to the Council in November 2010 following a lengthy evidence gathering exercise which also included Members and senior officers attending interviews with the examining body. Reassessment to secure the Charter for a further three years took place on 3 March 2014.

As a commitment to the Charter, Member Services Officers worked alongside the Member Development Group to continue to address Members' development issues through briefings on key issues, one to one Personal Development Plan interviews which helped to identify a Member's specific training/development requirements and specialist presentations at Committee meetings.

The report informed the Committee of training events that had taken place between May and September 2015 year which included induction sessions for new Members following the elections in May.

Discussion took place regarding:

- The various times of day that briefings could be held to encourage Members to attend;
- The importance of informing Members when IT systems were going to be changed;
- The potential benefits of using the Leisure Centre at Crediton as a satellite for training and the suggestion to share briefings electronically so that they could be watched at home;
- The possibility that established Members could provide training to new Members regarding ward work to let them know what would be expected of them;
- If there was anything that could be done to bridge the gap between Members and Town and Parish Councils, such as an update sheet regarding what is happening in the District.

Note:- Report * previously circulated and attached to Minutes.

80 STAFF SURVEY (1:50:00)

At the request of the Committee the Head of Human Resources and Development provided an overview of the Staff Survey that had been undertaken during August and September 2015.

The Officer informed the Committee that a report and action plan would be presented to them in January but that in the meantime she was providing a verbal update.

The staff survey had taken place in the last couple of months and 280 staff had responded. The survey contained questions and free text.

Issues raised in the responses had included noise, heat and cold in the building, communication, perception of Management Team and also included some comments regarding Members.

The Head of Human Resources and Development would forward an electronic link to Members so that they could review the responses.

The Officer reported that on a positive front staff had reported that they felt proud to work for the Council, had satisfaction with their role and had the tools that they needed to do their job. Flexi time was well regarded by staff.

Discussion took place regarding:

- Staff were not expected to give their name but could choose to identify their Head of Service;
- There were approximately 600 staff, including temps, and 280 had responded to the survey;
- An action plan needed to be produced and complaints acted upon to encourage staff to complete surveys in the future;
- Open plan offices created issues with noise;
- The survey would be run again in 2016 to identify changes.
- Briefings had been held with staff to discuss the results of the survey.

81 TIVERTON TOWN CENTRE (2:03:00)

At the request of the Committee the Chief Executive and the Town Centre Manager were in attendance to answer questions regarding the future of Tiverton town centre and liaison with local businesses.

The Town Centre Manager gave a brief overview of the work that she had undertaken since taking up post and the plans that she had for the future.

The Officer informed the Committee that she had been looking at the street scene and was working with other services to ensure that the town centre was clean, that trees were pruned and that street furniture was in the right place. She had looked at

how people moved around the town, at the dwelling areas, focus points, pedestrian and traffic flow. She aimed to return Tiverton to a market town and create a destination for local shopping, galleries and artists.

The Town Centre Manager had met with interested parties such as the Town Council, residents groups, charities, the Portas Group and local businesses with regard to creating a Town Centre Working Group. This would be a link with the local community and would provide valuable feedback. She had also met with most local businesses.

The Officer explained that security was an issue with a lack of police support in the town. She was investigating the CCTV provision for Tiverton and aimed to help local businesses work together to prevent stock loss.

Events such as the Balloon Festival, Feast of St James and the Literary Festival had been put in place and others, such as a return to the River Exe Struggle, were being planned for the future.

The Officer was working to develop a strong website with a Facebook and Twitter presence. This would include the market and could potentially lead to a town centre app with 'virtual' shopping.

Discussion took place regarding:

- The need for similar plans to take place in Crediton and Cullompton;
- The timetable included some developments which would start soon and others that would require investment in the future;
- The Masterplan, which would be produced following a report which recommended the enhancement of Phoenix Lane, the Pannier Market and market Walk;
- Potential improvements to the cinema;
- The possibility of working with PETROC in the future.

It was **AGREED** that a report detailing plans for the improvement of Cullompton and Crediton Town Centres be presented at the next meeting of the Committee.

Note:- Councillor S Griggs declared a personal interest as Chair of the Portas Group.

82 **PARTNERSHIP WORKING**

The Head of Communities and Governance had requested that the Committee discuss partnership working and how successful this had proved at other authorities.

This item was deferred to the next meeting of the Committee and Members requested that a written report be provided.

83 RIPA

Councillor Mrs J Roach had requested that the Committee consider the RIPA report in terms of effective scrutiny.

Discussion took place regarding RIPA and the fact that the policy, when it was due for review, had been reported to the Community Well Being Policy Development Group prior to Cabinet, as agreed in the Policy Framework. The Chief Executive confirmed that the Scrutiny Committee would be responsible for scrutinising any RIPA cases that took place to ensure adherence to the Policy, but that there had been none in the last three years.

It was **AGREED** to defer this item to the next meeting of the Committee in order that further discussion could take place.

Note:- Report previous circulated.

84 IDENTIFICATION OF ITEMS FOR THE NEXT MEETING

Anaerobic Digesters
Impact assessment on proposed grant cuts
Cullompton and Crediton Town Centre Improvements
Tiverton Pannier Market
Update on actions Neil Parish

(The meeting ended at 5.15 pm)

CHAIRMAN

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By virtue of paragraph(s) 7 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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SCRUTINY 30 NOVEMBER 2015

ANAEROBIC DIGESTERS

Cabinet Members Cllr Richard Chesterton and Cllr Neal Davey
Responsible Officers Head of Planning and Regeneration and Head of Human Resources and Development

Reason for Report: To respond to Scrutiny Committee's request for a report on anaerobic digesters in order to address resident concerns over the impact upon them of existing operational schemes within parts of the district, how such concerns are investigated, liaison between different organisations with a regulatory role and what lessons can be learnt as a result.

RECOMMENDATIONS:

1. That a request is made to the Environment Agency for the opportunity for MDDC to feed into the environmental permitting regime and that a copy of the approved permit is given to this authority.
2. That where enforcement issues are raised with an AD plant, coordination take place between relevant agencies and that MDDC take a lead role in that coordination.
3. That a review of the scope of planning conditions to control AD plants be undertaken in order to develop best practice for future applications.

Relationship to Corporate Plan: Corporate Plan objectives include those relating to 'Caring for the Environment'.

Financial Implications: These relate primarily to planning decision making and the risk of a cost award against the authority at appeal if it is found to have acted unreasonably in relation to the refusal of planning permission or inappropriate application of conditions. Financial implications may also arise from fines in relation to court action or from mitigation measures in the event of proven maladministration on behalf of the Council.

Legal Implications: Regulation and control of AD plants is multi-layered in that it involves a wide range of statutory powers spread across several agencies beyond the scope of MDDC. Understanding the extent and enforcement of legal powers is complex.

Risk Assessment: Due to the complexity of control and enforcement regimes between different agencies there is a risk that poor communication or lack of liaison between these bodies may result in poor control of such facilities or under enforcement. In turn this could lead to successful challenge at planning appeal, in court or via the Local Government ombudsman and reputational risk.

1.0 Background

1.1 At the meeting of Scrutiny Committee on 10th September 2015 public concerns over operational anaerobic digester schemes in respect of noise, smell, pollution and traffic were discussed. Members also heard public questions on these matters focussed around impact upon the Parishes of Nomansland, Puddington, Templeton and Rackenford. It was resolved that a report be prepared to address the following issues in connection with anaerobic digesters (AD):

i) What was being done to help local communities that had reported issues regarding Anaerobic Digesters to both the Planning and Environmental Enforcement Services;

ii) What work was taking place regarding this to liaise with other authorities, such as the Environment Agency;

iii) That lessons to be learnt from this process.

1.2 Issues raised at the meeting in public question time may be summarised as being impacts upon the local community in relation to:

i) Traffic movements to and from the site in relation to the importation of feedstock for AD plants and export of digestate with associated noise, disturbance and vibration.

ii) Noise from AD plant operation.

iii) The nature of traffic associated with AD plants – large agricultural vehicles and HGVs creating an impact upon highway safety and damage to rural roads together with banks and verges. That vehicle movements are operating over large distances.

iv) Pollution incidents affected rivers and streams from silage effluent, slurry and liquid digestate as a result of spills and spreading.

v) Pumping of slurry resulting in noise and odour.

vi) Storage of slurry, digestate and chicken litter resulting in odour.

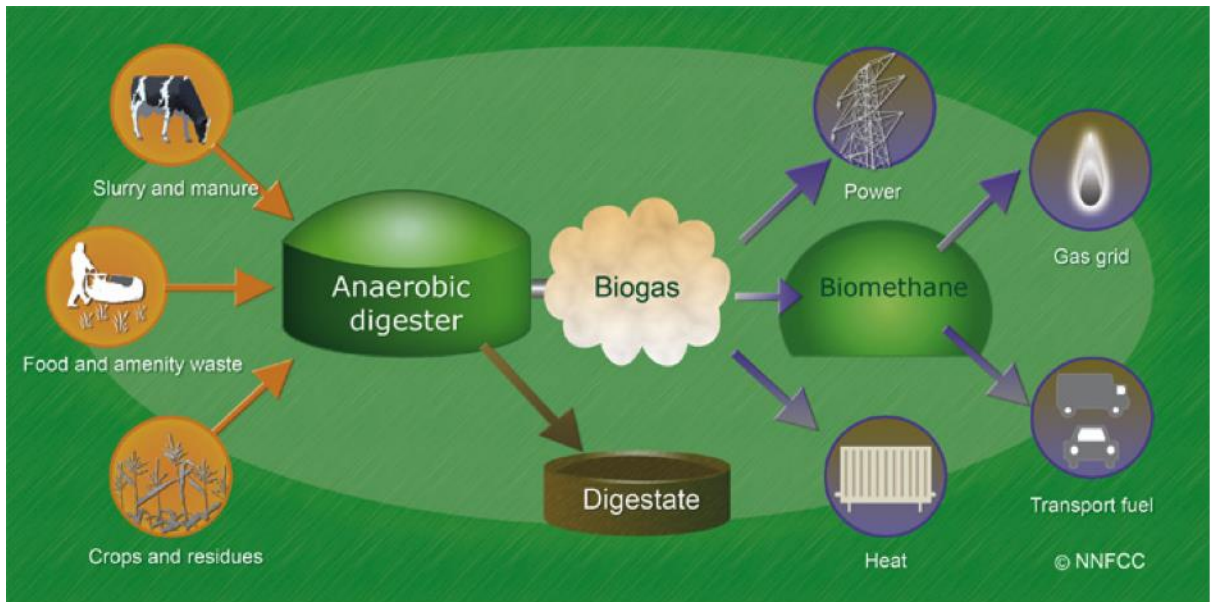
vii) Concerns over public health and biosecurity as a result of organisms and cross contamination.

1.3 Members of Scrutiny Committee therefore wished to understand in more detail control measures available, areas of responsibility between different organisations and how issues and complaints can be investigated. Furthermore they also wished to understand how the different relevant organisations can work together on such matters and how the experiences of local residents to date can be addressed and what changes can be made to working practices, control and enforcement as a result.

2.0 Introduction to the technology: what is anaerobic digestion?

2.1 Anaerobic digestion is the process by which organic material is broken down by micro-organisms in the absence of oxygen. The process begins when biomass such as slurry, manure, crops or food waste is put inside a sealed digester tank. Naturally occurring organisms digest the biomass releasing a

methane rich biogas that can be used to generate renewable heat and power together with digestate which being rich in nutrients may be used as fertiliser.



- 2.2 Digestate comprises left over indigestible material and dead micro-organisms and may be used instead of synthetic fertilisers. It can be used whole, spread on land with tankers or umbilical pipe lines or separated into liquor and fibre. The liquor can be spread more easily, whilst the separated fibre can be used as soil conditioner or after further aerobic composting to stabilise it as a material to make a compost product.
- 2.3 Biogas may be either burned on site to generate heat, power or both (Combined heat and power CHP) or alternatively upgraded to biomethane by the removal of other gases for injection into the national gas grid or used as a road fuel.
- 2.4 The Government published the 'Anaerobic Digestion Strategy and Action Plan' in June 2011 demonstrating its support of anaerobic digestion technology as a means of waste management and heat / electricity generation throughout the UK.
- 3.0 **Schemes in Mid Devon.**
- 3.1 Several AD schemes in Mid Devon have planning permission, or are currently in process of being assessed:

Mountstephen Farm, Uffculme:

09/01689/FULL Erection of an anaerobic biodigester and associated structures for processing of organic farm waste. Granted by MDDC, operational.

Ennerleigh Farm, Washfield

10/00302/FULL Change of use of agricultural land to accommodate the siting of 12 underground anaerobic biodigester tanks, and erection of a plant room. Granted by MDDC

Menchine Farm, Nomansland:

10/00956/DCC County Matter application for erection of anaerobic digestion plant, ancillary equipment and associated works. Refused by DCC, dismissed at appeal.

12/01659/MFUL Erection of an Anaerobic Digestion Facility. Granted at appeal.

14/00575/MFUL Erection of an Anaerobic Digestion Facility (Revised Scheme). Granted by MDDC. Operational under this permission.

14/01915/FULL Variation of Condition 10 of Planning Permission 14/00575/MFUL to allow for the erection of an Anaerobic Digestion (1,000Kw installed capacity) Facility. Appeal in progress.

15/00573/FULL Erection of new building for processing digestate fibre in association with existing AD plant. Pending

Edgeworthy Farm, Nomansland:

Erection of an anaerobic digester, associated equipment and infrastructure. Refused by MDDC. Granted at appeal.

Red Linhay (Hartnoll Farm), Halberton:

13/01605/MFUL Erection of a 500kW anaerobic digester and associated works with 4 silage clamps. Granted by MDDC. Under construction.

15/01034/MFUL Erection of a 500kW anaerobic digester and associated works with 4 silage clamps. Revised Scheme to include the change of orientation of the layout and installation of 2 driers. Pending.

Lloyd Maunder Road, Willand:

DCC/3725/2014 Construction of 2MW Anaerobic Digestion Plant with new access road and weighbridge on land adjacent to existing Abattoir at Lloyd Maunder Road, Willand and construction of two bay silage clamp with hardstanding and turning area. Granted by DCC

15/00769/DCC County Matter Application for installation of a bio-refinery unit (multi-stage anaerobic digestion system connected to a combined heat and power unit) to treat the organic waste produced by the factory, and associated temporary siting of a portable cabin for the duration of the construction. Granted by DCC

DCC/3797/2015 Rerouting of the access road into the site of the Willand Anaerobic Digestion Plant (DCC/3725/2014), extending the red line to better accommodate the road and embankment and for the relocation of the pipe from the attenuation pond to the stream. Granted by DCC

4.0 Roles and responsibilities

4.1 MDDC as Local Planning Authority

4.1.1 The Planning Service at MDDC is responsible for assessing and determining planning applications for AD plants and associated development where

feedstock for such schemes is not predominantly waste disposal, but instead from sources such as crops. The planning application will involve assessment of a range of issues including impact upon residential amenity as a result of noise, odour; nuisance and disturbance; landscape and visual impact, highways and access, drainage, ecology, pollution and contamination, archaeology, appearance and character.

- 4.1.2 The planning process has requirements for notification and consultation on the application. This involves liaison with a range of different organisations both formally as part of the consultation process, but also more informally following up issues raised within consultation responses and as part of wider representations raised during the assessment of the planning application. The Planning Service works closely with other MDDC services such as Environmental Health over potential public health and amenity / nuisance issues; together with other organisations such as the DCC Highway Authority over access and transport considerations and the Environment Agency over environmental protection and waste management.
- 4.1.3 Planning applications must be determined in accordance with the development plans unless material considerations indicate otherwise. Assessment is made against planning policies also taking into account national planning guidance. For such schemes it is often the case that a 'planning balance' exercise is undertaken whereby the benefits of the scheme are weighted against the disbenefits on coming to a conclusion whether to grant permission. Planning permission is granted for the specified development on the particular site and is normally not personal to a particular applicant. Accordingly once granted, planning permission does not have to be implemented by the original applicant, but may be by a different party. The emphasis in the assessment of a planning application is therefore on the development and site in question rather than on the applicant.
- 4.1.4 Larger schemes may be required to be accompanied by an Environmental Impact Assessment (EIA) which seeks to understand comprehensively the likely impact of the development upon the environment. This is formal process where significant environmental effects are anticipated. Whether the development is subject to EIA is established through a scoping exercise for which Government advice deals with scale and nature of the development, sensitivity of the area and the scale / nature of likely impacts.
- 4.1.5 Planning permission may be granted subject to conditions. Conditions are required to meet a series of tests. They may only be imposed where they are necessary, relevant to planning and the development to be permitted; enforceable; precise and reasonable in all other respects. Planning conditions requiring compliance with other regulatory requirements such as the Environmental Protection Act, waste regulations or terms of an environmental permit (all regulated by other bodies) do not meet the test of necessity and should not be imposed.

4.2 MDDC Environmental Health (Public Health Services)

- 4.2.1 The Environmental Health team have a key consultation role regarding the determination of planning applications for AD plants, poultry installations and

farm storage facilities. They provide advice on the environmental protection matters, private water supplies and nuisance issues that could arise at sensitive locations in the vicinity of the proposed development. The focus is on potential impacts to public health in addition to nuisance or amenity issues. In particular this helps to support decisions on the general principle and suitability of land-use proposals at specific locations. Where information is available, potential cumulative impacts from existing or approved facilities in the surrounding area are taken into account in the advice provided. Environmental Health also have a role in providing input into the formal determination (pre-approval) of the scope of any Environmental Impact Assessment (EIA) that may be required for larger proposals and the technical evaluation of the subsequent assessments when submitted. In accordance with this role there is a well-established consultation mechanism in place and an effective working relationship with colleagues in Planning.

4.2.2 Environmental Health is also the enforcing authority for Statutory Nuisance legislation. These are essentially reactive powers to investigate complaints of odour, noise, dust and other nuisances. Where a nuisance is proven (and this is to a criminal evidence threshold) there are related powers to serve abatement notices requiring action to cease the nuisance and ultimately prosecute in the event of non-compliance. These powers do not apply where the source of the complaints is a site or facility which holds an integrated environmental permit issued by the Environment Agency (more below), in which case the Agency is the sole regulator. Where Environmental Health receives complaints that are ultimately the responsibility of the Agency or vice versa then there is a duty to share information.

4.2.3 In respect of AD and related activities then certain on-farm storage facilities for slurry or AD digestate and other activities can give rise to nuisance (typically noise and odour) but may not require an Environment Agency permit. If this is the case the Environmental Health statutory nuisance provisions apply and any complaints would be investigated in the same manner as any other agricultural premises or activity. Non-permitted sites include those where the storage point is considered to be on-farm i.e. the final point of storage on that farm to be spread directly onto the land. Slurry is also often used alongside chicken waste as biodegradable feedstock for the AD process and as indicated above, digestate is the non-biogas material remaining after digestion has taken place. If the storage involved digestate which came from an AD plant where animal by-products were used a permit would still be required. Any complaints in relation to noise or odour from farming activities arising from the preparation of any feedstocks for an AD unit will be dealt with by Environmental Health, again under statutory nuisance legislation.

4.2.4 Given the relative complexity of the legislation Environmental Health maintain a close liaison with field and specialist officers at the Agency over specific complaints and sites.

4.3 Devon County Council

4.3.1 Devon County Council has several roles of relevance. The first of these is as waste planning authority where it has responsibility for the determination of planning applications relating to waste development. Where the feedstock

for AD plant schemes is predominantly waste, such as the scheme at Lloyd Maunder Road, Willand planning applications are dealt with by the County Council and MDDC is a consultee in the process.

- 4.3.2 The County Council also has a function as Highway Authority. The Highway Authority is a consultee for planning purposes when the development is likely to result in a material increase in the volume or a material change in the character of traffic entering or leaving a classified road or involves the formation of or change to an access. The impact of the proposal upon highway safety is major consideration. The Highway Authority is also responsible for roads maintainable at public expense. Issues in relation to highway safety, condition and damage are dealt with by DCC as part of this role.

4.4 Environment Agency

- 4.4.1 The Environment Agency has a general responsibility for the protection of the countryside and the natural environment. In the context of AD, there are a number of areas of interest ranging from the AD plants themselves and associated or related activities such as intensive poultry installations in addition to manure, slurry/digestate storage, use and land spreading or disposal as waste.

- 4.4.2 For the industrial or intensive agricultural activities then the Agency has specific proactive environmental permitting responsibilities. They issue and regulate integrated permits setting out management and operational controls on emissions from these sites to air, land and water. This therefore includes emissions from chimneys and stacks, releases into rivers and onto land, dust, noise, odour and vibration. The permits are 'living documents' whereby there are provisions to vary or otherwise amend the permit controls in response to changes in best practice, operations and scale etc. Where problems and non-compliance are identified then permits can be used to specify improvement plans. The permits are designed to prevent problems and damage being caused to the environment and local community in the first place. All AD plants whose feedstock contains waste and directly technically linked activities are covered by this regulation in addition to all intensive poultry sites with a combined capacity of 40,000 or more birds.

- 4.4.3 In respect of chicken litter, slurry and AD digestate then the Agency has broad responsibilities under waste management legislation and protecting controlled waters (rivers and groundwater) from pollution. There are relatively complex regulations governing how the Agency determine if a material is classified as waste (therefore has to be transported by a licenced carrier and treated/reused or disposed of at a permitted waste facility) or is exempt and can be used for other purposes such as fertiliser. If material is to be spread on land for agricultural benefit then there are further controls and guidelines that the Agency imposes to protect land and water from contamination and over nitrification included many areas in Mid Devon controlled as Nitrate Vulnerable Zones.

- 4.4.4 In common with powers exercised by Environmental Health, those enforced by the Agency are criminal offences with the according level of evidence proof and prosecution options. There is no formal consultation mechanism put in

place locally by the Agency for Environmental Health or the Planning Authority to comment on the proposed integrated permits and conditions set out therein for relevant sites.

4.5 Public Health England

4.5.1 Public Health England (PHE) is a relatively new agency of the Department of Health. It was set up to bring together public health specialists from a number of organisations into a single body. It has relatively few direct enforcement powers and is largely an advisory and policy body. Its overall function is to protect and improve the national health and wellbeing, and reduce health inequalities. The organisation employs scientists, specialists and researchers to provide expert public health advice. As such, local authorities and NHS bodies with direct health responsibilities such as Directors of Public Health, Public Health consultants, Environmental Health Officers and Doctors etc can use PHE to provide authoritative opinion of local public health concerns and specific case issues. In the context of AD and related activities, the Mid Devon Environmental Health team sought advice from PHE in respect of any potential health impacts arising from the storage and spreading of AD digestate.

4.6 Driver Vehicle Standards Agency (DVSA)

4.6.1 DVSA is another recently formed agency, in this case sponsored by the Department of Transport. They were created by the merger of the former DVLA and VOSA agencies. As such they have a wide responsibility to improve road safety nationally by setting standards for driving and motorcycling, and making sure drivers, vehicle operators and MOT garages follow roadworthiness standards. They also provide a range of licensing, testing, education and enforcement services.

4.6.2 In the context of issues being discussed in this report, DVSA has a role in enforcing any relevant driver and vehicle standards in relation to road transport used in connection with AD plant and poultry farming activities plus land-spreading and other material movements whilst those vehicles are on the highway. This can include vehicle design and maximum gross weight requirements/limits in addition to driver hours. There is some mutual enforcement and joint working with the Police service. The DVSA do not enforce restrictions on the use of lower-duty rated red diesel and this is a matter for the HMRC.

5.0 Enforcement of control

5.1 Scrutiny Committee has requested that this report address the following question:

What was being done to help local communities that had reported issues regarding Anaerobic Digesters to both the Planning and Environmental Health Services.

5.2 Environmental Health

- 5.2.1 In accordance with role and responsibilities of this team and outlined above, Environmental Health have provided a range of proactive and reactive interventions to help those affected by the reported issues and also to support other agencies in their work.
- 5.2.2 Enforcement activities have necessarily focussed on activities not encompassed by a permit issued by the Environment Agency (or other functions in their responsibility) or those relevant to planning enforcement. Attention has therefore been upon slurry/digestate storage facilities and linked farm based activity. A number of odour and noise complaints have been subject to lengthy investigations. As a result Statutory Nuisance was established at one location and an Abatement Notice served in respect of noise arising from the use of trailer mounted slurry pumps. This action was substantially successful in mitigating problems arising from the specific operations being carried out at the time. However, following a change in operator and operations there is an on-going investigation of the impact of liquid digestate storage at the same location and the relevant company informed formally of potential nuisances occurring as a result of their activities. They have also been advised that noise and odour monitoring and surveillance (including the use of recording equipment) would be undertaken by Environmental Health staff and at affected residential properties if further complaints were received. This was an essential step in the process of undertaking additional enforcement action should a further nuisance be proven. Since this communication in August, monitoring equipment has been held on standby to facilitate rapid deployment. No further complaints have been reported.
- 5.2.3 The Environmental Health team are in on-going dialogue with the other agencies involved and also participated in the multi-agency, member and residents meeting facilitated by MDDC on 2 November 2015.
- 5.2.4 Detailed input has been provided on a number of recent planning applications for AD plants/associated activities in addition to large scale poultry units and biomass boilers. Environmental Health has also investigated the potential health implications of liquid AD digestate examining possible exposure levels and hazards. Further input from Public Health England was requested to evaluate this work and provide any additional relevant advice. Environmental Health has disseminated and explained the relative risks and provided assurances to concerned residents. This has been done directly with correspondents and more widely at public meetings and by sharing information with parish and district councillors, addressing any further queries that have arisen as a result.

5.3 Planning

- 5.3.1 The enforcement of a breach of planning control is an important component of the Planning Service. A breach of planning control arises from either the carrying out of development without the required planning permission or failing to comply with a condition or limitation subject to which planning permission has been granted. Local Planning Authorities have the

responsibility for the enforcement of planning control in their area when such enforcement is in the public interest. Guidance on planning enforcement is contained with the National Planning Policy Framework:

'Effective enforcement is important as a means of maintaining public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control.'

- 5.3.2 Development becomes immune from enforcement action if no action is taken within four years in the case of the substantial completion in the case of operational development or ten years for any other breach of planning control (mainly change of use and breach of condition). A range of enforcement tools are available including enforcement notices and the receipt of a planning application to regularise the breach.
- 5.3.3 A range of enforcement related issues have been reported to the Planning Service post planning decision in respect of several AD plants. Investigation has taken place involving site inspection, discussions and negotiation with the applicant and other relevant bodies, assessment of condition compliance and requests for information. In respect of several sites within MDDC's planning jurisdiction revised planning applications have been submitted by the developers in order to seek to regularise breaches of control on earlier applications in terms of compliance with approved plans and/ or conditions. Some of these applications are pending or awaiting the outcome of an appeal process.
- 5.3.4 Environmental Health and Planning Services work closely together over enforcement matters in order to understand the nature or impact of the activity complained about and the most appropriate legal powers in which to address it.
- 5.3.4 The Planning Service is also currently seeking to clarify the scope of enforcement control in relation to AD scheme parameters and conditions as a result of issues raised by complainants and objectors. Legal advice is being sought with the intention that this will feed into the drafting of conditions in future. Cornwall Council has produced a renewable energy planning guidance note on the development of AP plants. Incorporating case studies, it is aimed at providing guidance to developers on the planning issues to be addressed, but also includes generic, template planning conditions. Incorporated as a recommendation within this report is that a review of the scope of planning conditions to control AD plants be undertaken in order to develop best practice for future applications. It is envisaged that this will involve liaison with other planning authorities in the region.

5.4 Liaison with other relevant organisations

- 5.4.1 Scrutiny Committee has requested that this report address the following question:
What work was taking place regarding this to liaise with other authorities, such as the Environment Agency;

5.4.2 Liaison already takes place with other relevant authorities as referred to above; particularly at stages in the planning process via statutory consultation and reactively in connection with specific complaints. A multi-agency meeting on AD plants was recently held, the main focus of which was enforcement of control. However, it is acknowledged that liaison is greater between some external authorities than others and therefore there is room for improvement. Recommendations in this report are that a request be made to the Environment Agency for more opportunity for MDDC to feed into the environmental permitting regime. Greater sharing of information (where possible) in respect of approved permits is also requested. It is also suggested that in future where enforcement issues are raised with an AD plant, more structured coordination take place between relevant agencies and that MDDC take a lead role in that coordination.

Contact for more Information: Mrs Jenny Clifford, Head of Planning and Regeneration (01884) 234346 / jclifford@middevon.gov.uk or Simon Newcombe, Public Health and Professional Services Manager (01884) 244615 / snewcombe@middevon.gov.uk

Circulation of the Report: Councillors Richard Chesterton and Neal Davey

List of Background Papers: Scrutiny Committee 10th September 2015

The development of anaerobic digestion plants: Renewable Energy Planning Guidance Note 4 (Draft), Cornwall County Council
<http://www.cornwall.gov.uk/64BD9301-283F-4BA6-AC94-49967639C7E1/FinalDownload/DownloadId-8DE7B84684C912D54C954DE6F43B0D22/64BD9301-283F-4BA6-AC94-49967639C7E1/media/3626641/4-AD-V2-Jul-2012-WATERMARKED.pdf>

Anaerobic Digestion Strategy and Action Plan: A commitment to increasing energy from waste through Anaerobic Digestion, DECC and DEFRA
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/69400/anaerobic-digestion-strat-action-plan.pdf

Statutory nuisance provisions and how Councils deal with complaints.
<https://www.gov.uk/guidance/statutory-nuisances-how-councils-deal-with-complaints>

Standard rules and Environmental Permitting of the biological treatment of waste by the Environment Agency.
<https://www.gov.uk/government/collections/standard-rules-environmental-permitting#biological-treatment-of-waste>

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Briefing Note for Scrutiny Committee Crediton and Cullompton Town Centres

At the Scrutiny Meeting on the 2nd November 2015 it was agreed that a report would come back to the next meeting of the Scrutiny Committee detailing plans for the improvement of Cullompton and Crediton Town Centres be presented at the next meeting of the Committee.

The purpose of this briefing paper is to make Members aware of the work that the Economic and Community Development team are already doing in terms of the Town Centres of Cullompton and Crediton and to outline some of the projects that are a work in progress.

Both Cullompton and Crediton have Town teams. These groups are made up of representatives from business, community and voluntary groups and local authorities.

Cullompton Town Team

The Cullompton Town Team has been established for a number of years now and since April 2013 has brought in £114,000 of funding to deliver projects within the town.

Penny Bayer (Grants and Funding Officer) continues to provide support and assistance to the Cullompton Town Team.

Projects that have been delivered over include:

- The first Cullompton food and drink festival which took place on Saturday 10th October and was a success
- Cloth trade project
- Shopfront scheme
- Tidying up 'grot spots' in the Town
- Sheep notice boards
- Archive Project

They are working on the following projects:

- Further food and drink projects and festivals for 2016
- Townscape Heritage Initiative – potentially up to £1m external funding to support improvements to town centre conservation area
- Public art projects including improving the entrance to the town
- Tourism projects including town guide, events listing, interactive touch screen information, coach tours
- Art House project

The Cullompton Town Team were recently successful in being awarded £7,500 from the High Street Innovation Fund to help them take forward their future plans.

Crediton Town Team

The Crediton Town Team is the newest Town Team but it is already delivering projects for the community.

Paul Tucker (Grants and Funding Officer) continues to provide support and assistance to the Crediton Town Team.

Projects that have been delivered over include:

- Crediton Festival 2015
- Christmas plans 2015
- Inaugural St Boniface celebration event 2015

They are working on the following projects:

- Crediton Festival 2017
- Crediton Food Festival 2016 (this will be the 8th festival)
- Crediton flags project 2016
- Improving signage on the entry points to the town
- Café culture and improving the use of Crediton Town Square
- Tourism projects
- Creating a 'community and cultural' hub for the town
- St. Boniface celebration and re-enactment/birth of the Christmas Tree on his Feast Day on 5 June 2016, the inaugural event in June 2015 proving to be a greater success than the Town Team had anticipated.

Business Groups

Amy Dugard (Consultation and Youth Involvement Officer) has been working with the Culm Valley in Business Group to give a liaison role between the business group and the Council.

In Crediton the Chamber of Commerce has recently held an AGM where new appointments were made to the executive posts and these have now been filled by business representatives from the Town Team. We will be looking to offer the same liaison role to Crediton Chamber of Commerce as we have with the business groups in Tiverton and Cullompton.

Joint working

It is envisaged that by having officers working with and supporting the three towns in the District that we will be able to work together on certain projects and also to share best practice.

This is already starting to take place and an example is a project for coach parking. Officers are working with the Town Teams across the District to develop a package of information that can be promoted to coach companies and proactively marketed with the aim of bringing in tourists.

BRIEFING NOTE FOR SCRUTINY COMMITTEE TIVERTON PANNIER MARKET

The Scrutiny Committee have asked for an update on the Market. This paper outlines some of the work that has taken place since the last update and some of the plans for 2016.

Since the last update we have:

- Held five Electric Nights Streetfood events on the first Saturday of the months of June, July, August and September culminating in a two day Octivfest food and drink festival in October. These events required a large amount of planning and organisation but were a big success and we had several thousand people attend. We acted on any feedback that we had from the public and traders and did things like changing the layout, providing more bins and chairs.
- Worked on plans for Christmas. Christmas light switch on takes place on the 21st November and in the market there will be street food, a bouncy castle, hot roasted chestnuts, mulled wine, music, and more. The Market will also be holding a Sci-fi family fun day on Saturday 19th December (themed due to the release of the new Starwars film) with all sorts of activities planned throughout the day.
- Met with the events committee to work on events for the Town as a whole in 2016 and work has already commenced on planning Christmas for 2016.
- Recently recruited to the role of Market Officer following the departure of the previous postholder. The new Market Officer will start on the 4th January 2016.
- Started having monthly meetings with the Traders to discuss ideas and plans for the Market and changes are being made such as having the communal area with newspapers and free wi-fi

Plans for 2016

We will:

- Commission Market research to identify the views, attitudes and wishes of a wider group of potential users and to use the feedback to shape what we do at the Market in the future.
- Hold the inaugural meeting of the stakeholder forum for the Market to include representatives from the Market Traders, Tiverton Traders Association, the Portas Team, Tiverton Town Council and the Neighbourhood Planning Team.
- Continue to work with the new Town Centre Manager to incorporate the Pannier Market activities with wider Town Centre developments and events for 2016. Work more on this to join up items such as the National food days

to our providers and also for the Café to cook items showcasing what you can do with fruit and veg.

- Increase streetfood offer on Saturday General Market
- Expand the social offer at the Market through street musicians and local performing arts groups
- Plan and deliver the Electric Nights Streetfood Events for 2016. The dates are May 7th, June 4th, July 2nd, August 6th, September 3rd and October 1st. We are looking to work on larger events in the town during these days which will then lead into Electric Nights in the evening.
- Review terms and conditions for trading, stall fees, fees for hiring out their market and opening hours. Update the policy and consult the traders on any changes
- Progress the project to have an overall roof and the units (for which planning permission was agreed a few months ago)
- Improve signage to the Market both access points and also from the Coach Park in William Street Car Park
- Commission the new website for the Market which will link to social media such as Facebook, Twitter and You-tube. If possible this will include click and collect, be smart phone friendly, have a virtual tour of the Market, include traders profiles along with photos and videos and have an online calendar to show whats on when
- Hold Continental markets – French, German and Italian on a Saturday alongside the general market
- Develop a red carpet programme for prospective new traders to show what we can offer them in terms of trading at the Market – i.e. help from our business support service to establish and then grow their business. Focus on success stories where people have started their business at the Market and have then gone on to rent shops in the town.
- Investigate the opportunity of working with Petroc on events where they can showcase the skills of their catering students including pop up restaurant.

SCRUTINY
30 NOVEMBER 2015:

AGENDA ITEM:

PERFORMANCE AND RISK REPORT FOR THE SECOND QUARTER OF 2015-16

Cabinet Member Cllr Clive Eginton
Responsible Officer Head of Communities & Governance

Reason for Report: To provide Members with an update on performance against the corporate plan and local service targets for 2015-16 as well as providing an update on the key business risks.

RECOMMENDATION: That the Committee reviews the Performance Indicators and Risks that are outlined in this report and feeds back any areas of concern to Cabinet.

Relationship to Corporate Plan: Corporate Plan priorities and targets are effectively maintained through the use of appropriate performance indicators and regular monitoring.

Financial Implications: None identified

Legal Implications: None

Risk Assessment: If performance is not monitored we may fail to meet our corporate and local service plan targets or to take appropriate corrective action where necessary. If key business risks are not identified and monitored they cannot be mitigated effectively.

1.0 Introduction

- 1.1 Appendices 1-6 provide Members with details of performance against the Corporate Plan and local service targets for the 2015-16 financial year.
- 1.2 Appendix 7 shows the higher impact risks from the Corporate Risk Register. This includes operational and Health and Safety risks where the score meets the criteria for inclusion
- 1.3 All appendices are produced from SPAR, the Corporate Service Performance and Risk Management system.
- 1.4 When benchmarking information is available it is included.

2.0 Performance

Managing the Environment Portfolio - Appendix 1

- 2.1 Due to the roll out of the new scheme it has not been possible to compile and report the PI information in time for the Quarter 2 reporting deadline. This performance information will be reported in the next report. As a result there is no appendix 1 for this report.

Decent and affordable Homes Portfolio - Appendix 2

- 2.2 **Rent arrears** - the Officers in the Neighbourhood teams do all that they can to maximise income recovery. We are currently reviewing our performance management reports in order to help Managers to better identify and respond to any issues which may impact upon performance.
- 2.3 The number of **right to buys** in the first 6 months of 2015/16 has already exceeded the total for 2014/15.

Community Well Being Portfolio - Appendix 3

- 2.4 The number of **empty shops** in all 3 towns has reduced in quarter 2, only the number in Tiverton is higher than the previous year-end.
- 2.5 **Leisure's** % cost recovery is very close to target for quarter 2.

Planning and Regeneration Portfolio - Appendix 4

- 2.6 As previously, the performance for quarter 2 of 2015/16 shows that in the majority of instances targets are being met or exceeded. However there remain some areas of concern which were also identified in the performance figures from quarter 1.
- 2.7 The report which went to Planning Committee on 21 October is included as Appendix 4; this includes comments on performance and further information about **enforcement**.

Working Environment Portfolio - Appendix 5

- 2.8 Although below the current target, the **sickness** figures continue to be monitored closely and we are working with managers to ensure that they always complete return to work interviews and follow the appropriate path i.e. capability if there is an issue.
- 2.9 The **complaints** system on CRM still needs to be checked manually, this work has been delayed due to the waste/recycling roll out which has greatly increased Customer First contacts.

Finance Portfolio - Appendix 6

- 2.10 Both % **Council Tax** and % **NDR** collected are below target at present. However 2015/16 is the first year targets have been profiled so this will be monitored closely.
- 2.11 **Purchase invoices** continue to be paid very promptly exceeding the target for the 3rd six month period running.

3.0 Risk

- 3.1 The Corporate risk register is reviewed by Management Team (MT) and updated. Risk reports to committees include risks with a total score of 15 or more and all those with an impact score of 5. (Appendix 7)
- 3.2 Service and Corporate Business risks will be reviewed when the Corporate Plan for 2015-19 is published.
- 3.2 The profile of these risks for this quarter is:

Impact	5	13	1			
	4					
	3					
	2					
	1					
		1	2	3	4	5
		Likelihood				

4.0 Conclusion and Recommendation

- 4.1 That the Committee reviews the performance indicators and any risks that are outlined in this report and feeds back any areas of concern to Cabinet.

Contact for more Information: Amy Tregellas, Head of Communities & Governance ext 4246

Circulation of the Report: Management Team and Cabinet Member

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DAH PDG Performance Report - Appendix 2

Quarterly report for 2015-2016

No headings

For Decent and Affordable Homes - Cllr Ray Stanley Portfolio

For MDDC - Services

Filtered by Performance Status: Exclude PI Status: Data not due, Not calculable

Key to Performance Status:

Performance Indicators:	No Data	Well below target	Below target	On target	Above target	Well above target
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DAH PDG Performance Report - Appendix 2

Performance Indicators								
Status	Title	Prev Year End	Annual Target	Current Target	Q1 Act	Q2 Act	Q3 Act	Q4 Act
Well below target	Number of affordable homes delivered (gross)	58	80	40 (2/4)	0	14		
Management Notes:								
On target	% Emergency Repairs Completed on Time	100.00%	100.00%	100.00% (6/12)	100.00%	100.00%		
Management Notes:								
On target	% Urgent Repairs Completed on Time	99.94%	100.00%	100.00% (6/12)	100.00%	100.00%		
Management Notes:								
Below target	% Routine Repairs Completed on Time	99.98%	100.00%	100.00% (6/12)	100.00%	99.95%		
Management Notes:								
Below target	% Repairs Completed at First Visit	99.87%	100.00%	100.00% (6/12)	98.28%	98.30%		
Management Notes:								
Well below target	Ratio of expenditure between planned and responsive repairs	81.19	70.30	70.30 (2/4)	29.71	55.45		
Management Notes:								
Below target	Rent Collected as a Proportion of Rent Owed	100.09%	100.75%	100.35% (6/12)	96.96%	99.13%		
Management Notes:								
Below target	Rent Arrears as a Proportion of Annual Rent Debit	0.60%	1.00%	1.00% (6/12)	0.94%	1.05%		
Management Notes:								
Below target	% Decent Council Homes	100.00%	100.00%	100.00% (6/12)	99.38%	99.28%		
Management Notes:								
Below target	% Properties With a Valid Gas Safety Certificate	99.86%	100.00%	100.00% (6/12)	99.72%	99.95%		
Management Notes:								
Above	Average Days to Re-Let	14.9days	17.0days	17.0days (6/12)	16.3days	15.8days		

DAH PDG Performance Report - Appendix 2								
Performance Indicators								
Status	Title	Prev Year End	Annual Target	Current Target	Q1 Act	Q2 Act	Q3 Act	Q4 Act
target	<u>Local Authority Housing</u>							
Management Notes:								
No Target	<u>Dwelling rent lost due to voids</u>	n/a	no target - for information only	no target - for information only	0.73%	0.64%		
Management Notes:								
Printed by: Catherine Yandle			SPAR.net			Print Date: 02 November 2015 16:46		

CWB PDG Performance Report - Appendix 3

Quarterly report for 2015-2016

No headings

For Community Well-Being - Cllr Colin Slade Portfolio

For MDDC - Services

Filtered by Performance Status: Exclude PI Status: Data not due, Not calculable

Key to Performance Status:

Performance Indicators:	No Data	Well below target	Below target	On target	Above target	Well above target
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CWB PDG Performance Report - Appendix 3

Performance Indicators								
Status	Definition	Prev Year End	Annual Target	Current Target	Q1 Act	Q2 Act	Q3 Act	Q4 Act
Well above target	<u>The number of Empty Shops. (TIVERTON)</u>	12	20	20 (2/4)	17	16		
<u>Management Notes:</u> (Quarter 2)								
16 empty shops out of 247 shops = 6.48% of shops in Tiverton were empty at the time of the survey in October 2015								
(ZL)								
Well above target	<u>The number of Empty Shops. (CREDITON)</u>	10	10	10 (2/4)	9	5		
<u>Management Notes:</u> (Quarter 2)								
6 empty shops out of 118 shops = 5.08% of shops in Crediton were empty at the time of the survey in October 2015								
(ZL)								
Well above target	<u>The number of Empty Shops (CULLOMPTON)</u>	11	14	14 (2/4)	12	7		
<u>Management Notes:</u> (Quarter 2)								
7 empty shops out of 94 shops = 7.45% of shops in Cullompton were empty at the time of the survey in October 2015								
(ZL)								
Below target	<u>The percentage of Leisure's operational expenditure recovered through customer receipts</u>	88.16%	88.50%	88.50% (2/4)	79.19%	83.76%		
<u>Management Notes:</u> (Quarter 2)								
Q2 was very close to target at 88.3%								
(LC)								
Above target	<u>% of Leisure members retained from month beginning to month end.</u>	95.33%	96.50%	96.50% (1/4)	96.87%			
<u>Management Notes:</u>								

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REPORT OF THE HEAD OF PLANNING AND REGENERATION

PLANNING PERFORMANCE QUARTER 2 2015/16

RECOMMENDATION:

For information and discussion.

REASON FOR REPORT:

To provide the Committee with information on the performance of Planning Services for quarter 2 within the 2015-16 financial year.

MATTERS FOR CONSIDERATION:

Performance against targets and Planning Service staffing in the immediate future.

RELATIONSHIP TO CORPORATE PLAN:

Well Managed Council

FINANCIAL IMPLICATIONS: Planning performance has the potential for significant financial implications in the event that applications are not determined within 26 weeks or an extension of time negotiated. In that instance the planning fee is returned.

LEGAL IMPLICATIONS: The Government monitors planning performance in terms of speed and quality of decision making. In the event minimum standards are not met, an authority may be designated as being in special measures allowing applicants to apply for permission direct from the Planning Inspectorate and bypassing local decision making. The speed measure is the number of major applications determined within 13 weeks as measured over a 2 year period. The target of more than 40% has been met (58%). The quality measure is the percentage of major applications determined over a two year period that have been overturned at appeal. The less than 20% target has been met (4%).

RISK ASSESSMENT: Financial risk as a result of fee return and the designation of planning authorities in special measures for underperformance is referred to above. These aspects are actively monitored, to allow priorities to be adjusted as required to reduce the risk.

1.0 PLANNING PERFORMANCE

Set out below are the Planning Service performance figures for quarter two from 1st July – 30th September 2015 together with a comparison with the target and figures from quarter 1.

Performance data is published quarterly on the Council's website at <http://www.middevon.gov.uk/index.aspx?articleid=4026>

The performance for this first quarter is set out below and expressed as a percentage unless marked otherwise and reports against a mix of Government and local performance targets.

Planning Service Performance	Target	Qu 1 2015/16	Qu 2 2015/16
Major applications determined within 13 weeks	60%	57	50
Minor applications determined within 8 weeks	65%	68	73
Other applications determined within 8 weeks	80%	91	85
Householder applications determined in 8 weeks	85%	92	97
Listed Building Consents determined in 8 weeks	80%	70	67

Enforcement site visits undertaken within 15 days of complaint receipt	87%	100%	94
Delegated decisions	90%	94%	93
Applications over 13 weeks old without a decision	Less than 45 applications	25	26
Major applications determined within 13 weeks (over last 2 years)	More than 40%	51	58
Determine all applications within 26 weeks or with an extension of time (per annum –Government planning guarantee)	100%	97%	96%
Building Regulations Applications examined within 3 weeks	95%	70%	70%
Building Regulation Full Plan applications determined in 2 months	95%	99%	98%

In addition during this quarter activity within the enforcement part of the Planning Service included:

Enforcement 2015/16	Qu 1	Qu2
Number of new enforcement cases registered	14	71
Number of enforcement cases closed	47	53
Number of committee authorisations sought	3	2
Number of planning contravention notices served	Data available from Qu 2	9
Number of breach of condition notices served	0	1
Number of enforcement notices served	2	1

The enforcement service is now fully staffed.

As previously, the performance for quarter 2 of 2015/16 shows that in the majority of instances targets are being met or exceeded. However there remain some areas of concern which were also identified in the performance figures from quarter 1:

The major application target of 60% determined within 13 weeks was again missed with 50% being achieved.

Listed Building Consent application performance against the target of 80% determined in 8 weeks was 67%.

Planning Service staffing is still not at full strength due to maternity leave. This has had knock on effects in terms of associated arrangements for staff cover and redeployment of staff into different roles. Not all posts have been backfilled. Whilst work areas within conservation have been reviewed and redistributed, the capacity of that team has been affected by the need to resource giving on-going advice and guidance at The Manor House Hotel, Cullompton and to complete the review of the Article 4 Direction, Cullompton.

In the publication 'Fixing the foundations: creating a more prosperous nation' as part of the summer budget 2015, the Government has indicated its intention to tighten planning performance requirements so that local authorities making 50% or fewer decisions on time or those processing minor applications too slowly are at risk of designation. The Government's planning guarantee requires that authorities determine all planning applications within 26 weeks unless an extension of time is agreed with the applicant. If not, the planning fee is returned. Within this publication the Government has also indicated its intention to significantly tighten the planning guarantee for minor applications. Planning performance continues to be closely monitored. The performance of the planning service against targets will therefore become increasingly important, requires resourcing and presents a financial risk to the authority in the event that the planning guarantee is not met.

Every effort continues to be made to maintain our charter standards of customer service and our performance levels within the eight and thirteen week government target periods. The impact of a challenging period for staffing, particularly within Development Management continues to be reflected in some of the application time taken figures. Staffing change within this team will continue throughout the financial year as a result of maternity leave and associated cover arrangements.

Contact for Information: Jenny Clifford, Head of Planning and Regeneration
01884 234346

List of Background Papers: PS1 and PS2 returns
'Fixing the foundations – creating a more prosperous nation' HM Treasury July 2015

Circulation of the Report: Cllr Richard Chesterton
Members of Planning Committee

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Working Environment Portfolio Performance - Appendix 5

Quarterly report for 2015-2016

No headings

For Working Environment and Support Services - Cllr Margaret Squires Portfolio

For MDDC - Services

Filtered by Performance Status: Exclude PI Status: Data not due, Data not entered

Key to Performance Status:

Performance Indicators:	No Data	Well below target	Below target	On target	Above target	Well above target
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Working Environment Portfolio Performance - Appendix 5

Performance Indicators								
Status	Title	Prev Year End	Annual Target	Current Target	Q1 Act	Q2 Act	Q3 Act	Q4 Act
No Target	<u>Number of phone calls to CF per month</u>	12,670	For Information Only	For Information Only	11,192	11,420		
Management Notes:								
On target	<u>Satisfaction with front-line services</u>	81.75%	80.00%	80.00% (1/4)	80.00%			
Management Notes:								
Well below target	<u>% complaints acknowledged w/in 3 days</u>	46%	80%	80% (2/4)	39%	50%		
Management Notes: (Quarter 2) The new CRM system should push all complaints through the procedure that acknowledges the complaint. Full manual check of all complaints logged since system went live in May is needed to ensure the system is being used correctly and to verify if data is correct and arrange training or amend figures as appropriate. a ICT helpdesk request has been logged to obtain a report of all complaints logged. 97% of complaints logged were acknowledged, but not all within 3 days. (LR)								
Below target	<u>% of complaints resolved w/in timescales (10 days - 12 weeks)</u>	97%	90%	90% (2/4)	83%	87%		
Management Notes:								
Above target	<u>% Emails received by Customer Services responded to within 5 days</u>	98.0%	95.00%	95.00% (2/4)	99.00%	98.50%		
Management Notes:								
Not calculable	<u>Number of Complaints</u>	74	For information only	For information only	61	39		
Management Notes:								
Not calculable	<u>Number of Digital payments</u>	8,989	For information only	For information only	11,886	12,563		
Management Notes:								
No Target	<u>Number of web hits per month</u>	n/a	For information only	For information only	0	0		
Management Notes: (Quarter 2) data not available until Goss part of website is turned off, this will not be until the parish websites have been moved onto the new website format.								

Working Environment Portfolio Performance - Appendix 5

Performance Indicators

Status	Title	Prev Year End	Annual Target	Current Target	Q1 Act	Q2 Act	Q3 Act	Q4 Act
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(LR)

On target	<u>% electoral registration forms returned during annual canvass of electors</u>	0%	90%	0% (2/4)	0%	0%		
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Management Notes:

On target	<u>% Electoral Commission Registration Performance Standards</u>	0%	90%	0% (2/4)	0%	0%		
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Management Notes:

Above target	<u>Working Days Lost Due to Sickness Absence</u>	9.21days	8.00days	4.00days (2/4)	1.64days	3.68days		
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Management Notes:

(Quarter 2)

Total number of days absent due to sickness is 878 with 483 being attributable to long term sickness (15+) days and 395 short term sickness (less than 15 days)

(JC)

Finance Portfolio Performance - Appendix 6

Quarterly report for 2015-2016
No headings
For Finance - Cllr Peter Hare-Scott Portfolio
For MDDC - Services

Key to Performance Status:

Performance Indicators:	No Data	Well below target	Below target	On target	Above target	Well above target
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Finance Portfolio Performance - Appendix 6

Performance Indicators								
Status	Title	Prev Year End	Annual Target	Current Target	Q1 Act	Q2 Act	Q3 Act	Q4 Act
Below target	<u>% total Council tax collected - monthly</u>	97.80%	98.0%	57.0% (6/12)	29.4%	56.7%		
Management Notes:								
Below target	<u>% total NNDR collected - monthly</u>	99.00%	98.00%	61.00% (6/12)	31.10%	55.80%		
Management Notes:								
Above target	<u>Percentage of Invoices Paid on Time</u>	99.26%	97.50%	97.50% (1/2)	n/a	99.57%	n/a	
Management Notes: (April - September)								
The Creditors team continue to perform very well continually looking to improve their processes including being very proactive in encouraging departments to GRN invoices promptly on receipt of goods.								
(RF)								
Above target	<u>Time taken to process Housing Benefit/Council Tax Benefit new claims and change events</u>	8days	14days	14days (2/4)	14days	13days		
Management Notes:								

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Risk Report Appendix 7

Report for 2015-2016
 Filtered by Flag:Include: * CRR 5+ / 15+
 For MDDC - Services

Not Including Risk Child Projects records or Mitigating Action records

Key to Performance Status:

Risks: No Data (0+) High (15+) Medium (5+) Low (1+)

Risk Report Appendix 7

Risk: Asbestos Health risks associated with Asbestos products such as lagging, ceiling/wall tiles, fire control.

Effects (Impact/Severity):

Causes (Likelihood):

Service: Housing Services

Current Status:
Medium (5)

Current Risk Severity: 5 -
Very High

Current Risk Likelihood: 1 -
Very Low

Head of Service: Nick Sanderson

Review Note: Recommendations from the HSE after the events last year have now been implemented.

Risk Report Appendix 7

Risk: Breaches in HR Legislation Failure to keep Council policies up to date, that complement the appropriate legislation

Failure to develop staff knowledge and competence regarding legislation/changes

Effects (Impact/Severity): - The Council could face poor reports from assurance bodies
 - Failure to meet statutory duties could result in paying penalties, stretching already thin financial resources
 - Failure to comply with legislation could lead to legal challenge against individuals or the Council as a whole
 - Future legislation changes, their impact on services and the cost of implementing changes to policies, procedures and service delivery

Causes (Likelihood):

Service: Human Resources

Current Status: Medium (5)	Current Risk Severity: 5 - Very High	Current Risk Likelihood: 1 - Very Low
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Head of Service: Jill May

Review Note: The council employs four Chartered Ins of Personnel and Development (CIPD) staff who undertake regular employment law updates. All policies are reviewed on an three year programme which has slipped lately due to pressure of work (reorganisations, consultations and redundancies) however we always prioritise legislative change. Therefore whilst this is a huge risk it is a risk which is managed.

Risk: Chemicals Staff using chemicals incorrectly.

Effects (Impact/Severity):

Causes (Likelihood):

Service: Leisure Services

Current Status: Medium (5)	Current Risk Severity: 5 - Very High	Current Risk Likelihood: 1 - Very Low
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Head of Service: Jill May

Review Note:

Risk Report Appendix 7

Risk: Council Finances - Banking Arrangements Problems with banks and online services may affect ability to access funds when we need to or receive / process payments on a timely basis

Effects (Impact/Severity): Unable to promptly pay suppliers or treasury commitments

Causes (Likelihood): ICT systems down at Council or Bank so impossible to review cash position or make urgent payments

Service: Financial Services

Current Status:
Medium (5)

Current Risk Severity: 5 -
Very High

Current Risk Likelihood: 1 -
Very Low

Head of Service: Andrew Cawdron, Andrew Jarrett

Review Note:

Risk: Council Finances - Investments Failure to invest in the Council's funds in an efficient and effective manner may cause potential of a loss of monies invested

Effects (Impact/Severity): • Could result in cash flow loss of up to £3M

Causes (Likelihood): • Future banking collapses

Service: Financial Services

Current Status:
Medium (5)

Current Risk Severity: 5 -
Very High

Current Risk Likelihood: 1 -
Very Low

Head of Service: Andrew Cawdron, Andrew Jarrett

Review Note: Cabinet have recently agreed to invest in CCLA

Risk: Council Finances - Treasury Management Failure to comply with the CIPFA Code of Practice on Treasury Management /local authority accounting would be a breach in statutory duty

Effects (Impact/Severity):

Causes (Likelihood):

Service: Financial Services

Current Status:
Medium (5)

Current Risk Severity: 5 -
Very High

Current Risk Likelihood: 1 -
Very Low

Head of Service: Andrew Cawdron, Andrew Jarrett

Review Note: Strategy is approved by Cabinet annually.
2015 Audit found no issue with this

Risk Report Appendix 7

Risk: Digital Transformation - No Website The complete failure of the Council website

Effects (Impact/Severity):

Causes (Likelihood):

Service: Management Team

Current Status:
Medium (5)

Current Risk Severity: 5 -
Very High

Current Risk Likelihood: 1 -
Very Low

Head of Service: Christina Cross, Liz Reeves

Review Note: the security patch has been successfully applied to Goss.

Risk: Document Retention If documents fail to be retained for the statutory period then we may face financial penalties

Effects (Impact/Severity):

- The Council may be disadvantaged in taking or defending legal action if prime documents are not retained;
- Performance statistics cannot be verified;
- The external auditor may not be able to verify the Council's final accounts and subsidy may be lost.
- Mismanagement of burial records

Causes (Likelihood): • "Data debris" cluttering system and storage space

Service: Management Team

Current Status:
Medium (5)

Current Risk Severity: 5 -
Very High

Current Risk Likelihood: 1 -
Very Low

Head of Service: Christina Cross

Review Note:

Risk: Failure to comply with card security standards As an organisation we need to comply with the requirements of TrustWave to be authorised as card payment processors.

Effects (Impact/Severity):

Causes (Likelihood):

Service: Management Team

Current Status:
Medium (5)

Current Risk Severity: 5 -
Very High

Current Risk Likelihood: 1 -
Very Low

Head of Service: Liz Reeves

Review Note: Annual review of policy and training for all staff. ICT advise on all payment systems to ensure comply to PCI standard.

Risk Report Appendix 7

Risk: Fire and Explosion Risks associated with storage of combustible materials, fuels and flammable substances and sources of ignition, as well as emergency procedures (existence, display and knowledge of), accessibility (or obstruction) of emergency exits and walkways to. Also, risks associated with use of fire extinguishers, having correct type in location, in date and trained operatives on site.

Effects (Impact/Severity): Very High (5) – Although the risk is low, a fire in the server or storage room could potentially cause loss of life, have serious financial implications and severely impact the councils ability to provide services due to loss of IT infrastructure.

Causes (Likelihood): Very Low (1) – The likelihood of a fire within ICT is extremely low. No quantities of combustible materials are stored within the work area. There is easy access to the emergency exit and all staff have received fire awareness training.

Service: I C T

Current Status:
Medium (5)

Current Risk Severity: 5 -
Very High

Current Risk Likelihood: 1 -
Very Low

Head of Service: Christina Cross

Review Note: we had an incident 7 pm Tuesday evening and our heat sensors and recovery team worked all as it should and problem averted

Risk: Information Security Inadequate Information Security could lead to breaches of confidential information, damaged or corrupted data and ultimately Denial of Service. If the council fails to have an effective information strategy in place.

Risk of monetary penalties and fines, and legal action by affected parties

Effects (Impact/Severity):

Causes (Likelihood):

Service: I C T

Current Status:
Medium (5)

Current Risk Severity: 5 -
Very High

Current Risk Likelihood: 1 -
Very Low

Head of Service: Christina Cross

Review Note:

Risk: Legionella Legionella

Effects (Impact/Severity):

Causes (Likelihood):

Service: Leisure Services

Current Status:
Medium (5)

Current Risk Severity: 5 -
Very High

Current Risk Likelihood: 1 -
Very Low

Head of Service: Jill May

Review Note:

Risk Report Appendix 7

Risk: Plant Rooms plant rooms

Effects (Impact/Severity):

Causes (Likelihood):

Service: Leisure Services

**Current Status:
Medium (5)**

**Current Risk Severity: 5 -
Very High**

**Current Risk Likelihood: 1 -
Very Low**

Head of Service: Jill May

Review Note:

Risk: Waste Collection - Health and Safety Inadequate training with regards to Manual Handling and workplace hazards (eg contact with broken glass) could result in Health and Safety risks

Effects (Impact/Severity):

Causes (Likelihood): - Increasing demand and service costs due to increasing population, consumer society and an increasing amount of waste

Service: Street Scene Services

**Current Status:
Medium (10)**

**Current Risk Severity: 5 - Very
High**

**Current Risk Likelihood: 2 -
Low**

Head of Service: Andrew Jarrett

Review Note:

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Print Date: 06 November
2015 16:33

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **SCRUTINY COMMITTEE** held on 24 August 2015 at 2.00 pm

Present

Councillors

F J Rosamond (Chairman)
Mrs H Bainbridge, Mrs J B Binks,
Mrs C P Daw, Mrs S Griggs, T G Hughes,
B A Moore, Mrs J Roach, Mrs E J Slade,
T W Snow, N A Way and R M Deed

Apologies

Councillor(s)

Mrs N Woollatt

Also Present

Councillor(s)

R Dolley

Also Present

Officer(s):

Liz Reeves (Head of Customer Services) and Julia Stuckey
(Member Services Officer)

42 **APOLOGIES AND SUBSTITUTE MEMBERS**

Apologies were received from Cllr Mrs N Woollatt who was substituted by Cllr R M Deed and from Cllr N A Way.

43 **PUBLIC QUESTION TIME**

There were no questions from members of the public present.

44 **MINUTES OF THE PREVIOUS MEETING**

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

45 **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman informed the Committee that the agenda for the next meeting was very light and that he did not consider it necessary for the Committee to meet.

It was **RESOLVED** that the meeting scheduled for 7th September 2015 be cancelled.

(Proposed by the Chairman)

Note:- Cllr Mrs J Roach requested that her vote against be recorded.

46 NEIL PARISH MP

The Chairman welcomed the Member of Parliament for the Tiverton and Honiton Constituency, Neil Parish, to the meeting.

Cllr Mrs E Slade asked Mr Parish for his views on the proposed development at Junction 27. She asked if he considered that it would be beneficial overall to Tiverton, bringing in more investment/tourists or have a negative affect in taking trade/investment away from the town.

Mr Parish explained that he was in favour of the development but felt strongly that any proposal needed to benefit Tiverton and the whole area. There was a lot of passing traffic and it was a good location for either retail or leisure. He did not feel that it needed to be detrimental to Tiverton or Cullompton as a lot of traffic passing Junction 27 wouldn't have entered the towns anyway. The MP stressed that it was up to the planning authority to make sure that the right facility was put there and that each application should be looked at on its own merit. There was also a need for housing for those to be employed there and he considered that this would be best placed towards Cullompton, rather than at the junction.

Cllr T Snow asked if the potential development of J27 was appropriate without the provision of adequate infrastructure.

Mr Parish replied that recent improvements to Junction 27 had proved successful with traffic flowing well. Discussion took place regarding the time it took for developers to pay Section 106 monies and contributions. Mr Parish said that he would look into this and that perhaps a system could be put in place whereby the local authority led on the infrastructure with a claw back from the developer.

Mr Parish stressed that any development needed to be of benefit to the local area, to local people and to the nearby towns and businesses.

Cllr Mrs J Roach asked Mr Parish if he agreed that enormous sums of public money were being wasted because District and County Councils were all spending money on running their own websites. She said that the functions of County, District and Parish Councils whilst separate at each level were in fact similar in respect of their responsibilities. Could he justify such spending when basic services were being cut?

Mr Parish replied that he did not consider it to be Governments role to tell local authorities how much to spend on websites. He said that he didn't know how much Mid Devon spent on its website but that the authority did need to let the public know what facilities were available and how to pay for services such as Council Tax. If the money spent was excessive he would be happy to discuss this with the Chief Executive.

Cllr Mrs Roach then asked for the MP's view on proposed changes to the Right to Buy Scheme for Housing Associations. Mr Parish replied that he was a great believer in people owning their own homes, but he did consider that the policy of previous governments had not helped this. He felt that an amendment from the House of Lords would result in some social housing, in smaller villages, being excluded from the scheme.

Cllr Mrs Roach asked Mr Parish if he would ask the Government to consider finding a solution to the problem that elected members did not have recourse to anybody other than the courts when they felt that they had been treated unfairly or in exceptional cases when they suspected that the Council had broken the law. Mr Parish confirmed that he would speak to Ministers to report that whistle-blowing for Councillors was difficult.

Cllr Mrs Berry was not in attendance but had asked for Mr Parish's view on Chinese Lanterns. Mr Parish replied that he had a robust view that they should be banned. He informed the Committee that a lot of work had been done to ensure that lanterns being sold had less metal in them and that he had personal experience of dealing with livestock that had ingested metal. He understood that the lanterns were fashionable to use but considered that there should be a ban or a restriction on how they were produced or how many were released. He considered that if they became more expensive they would be used less. He also said that local authorities could have some impact by advertising the risks and dangers to animals when they are used.

Cllr Mrs J B Binks asked Mr Parish what was being done to improve Broadband and mobile phone signal coverage for rural locations. Mr Parish replied that there was a link between wireless and broadband connections, and that he wanted to see a more flexible approach to this with more companies involved, rather than just BT, in order to speed up delivery. He said that funds were available to encourage mobile phone companies to put up masts and that local people needed to be encouraged to accept those masts. He agreed that poor broadband and mobile coverage created both social and employment issues. Mr Parish informed the committee that himself and the Minister Ed Veysey had been putting pressure on BT to deliver the contract, and that he was fully aware of the situation.

Cllr Moore asked why there were no limits on the scale of anaerobic digestion green energy farm schemes to distinguish between low-impact, local diversification (treated as farm businesses with farming rules) and high-impact, industrial-scale projects (which should be treated accordingly with greater rigour as standard, non-farming businesses). Mr Parish replied that he considered on farm schemes could work very well but in larger cases the infrastructure needed to be put in place. He suggested that he was happy to discuss a specific case with Cllr Moore at another time. He felt that DEFRA could also look at this and he agreed to take this forward.

The Chairman asked Mr Parish if he considered that austerity measures were having an impact on people's lives with Police no longer responding to some reported crimes and public conveniences being closed. Mr Parish replied that he was happy to take this up with the Police to find out why particular crimes reported had not been investigated. When discussing the amount of paperwork that Officers needed to complete he said that he felt that the Police would need to continue spending large amounts of time form-filling in order to protect themselves from being sued. He informed the Committee that he considered that the role of the Police Commissioner was to make the Police Force more accountable, but at this stage he was not convinced that this had resulted in more efficient policing. He felt that the Police Commissioner needed to be very independent and to be a scrutineer; this needed to take place in order for the role to be successful.

The Chairman also asked the MP how he felt about A Level education no longer being available in Tiverton. Mr Parish stated that he was not aware of this but he would discuss the matter with the Headmaster of Tiverton High School, Mr Lovett.

Cllr Mrs N Woollatt was not at the meeting but had asked Cllr R M Deed to put her question to Mr Parish. Following a recent issue with travellers camping on a local recreation field in Cullompton she asked if it was fair that the local community had to cover the cost of the removal and clear up operation. Mr Parish replied that the Government had carried out a lot of work to put in place a procedure whereby the Police and Councils had the power to evict travellers, but the costs involved had not been looked at. He offered to discuss this matter with the Police and Devon County Council.

The Chairman thanked the MP for his attendance.

(The meeting ended at 4.12 pm)

CHAIRMAN



Department for
Communities and
Local Government

Neil Parish MP
House of Commons
London
SW1A 0AA

Brandon Lewis MP
Minister of State for Housing and Planning

**Department for Communities and Local
Government**

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www.gov.uk/dclg

Our Ref: 1445411

13 OCT 2015

Dear Mr Parish,

Thank you for your letter of 23 September on behalf of Cllr Rosamond of Mid Devon District Council regarding the section 106 small sites threshold policy and the impact on rural sites in relation to affordable housing delivery.

I would like to thank you for bringing Councillor Rosamond's thoughts to my attention. It is very useful to hear the views and experiences of those who are actively engaged with the planning system, which can help shape future policy direction.

Housing delivery is a key priority for this Government and it is essential that we do all we can to drive up house building, with smaller builders making an important contribution to this. The key aim of the policy was to incentivise brownfield sites and small scale developments, including self-build, which face disproportionate section 106 demands placed on top of the higher construction costs and greater cash flow restrictions. We are disappointed at the outcome of the judgment and are appealing the decision. It will be for authorities and organisations to take their own advice on what the judgment means and how they should proceed as a result of this.

I agree that everyone needs the security and stability of a decent, affordable home. Since April 2010, over 260,000 affordable homes have been delivered. Over the next five years the Government expects to deliver a further 275,000 new affordable homes through the Affordable Homes Programme. The previous programme exceeded expectation delivering 186,000 affordable homes between 2011 and 2015, 16,000 above our target.

pp


BRANDON LEWIS MP

SIGNED ON BEHALF
OF MINISTER IN
HIS/HER
ABSENCE

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Updates from Mr N Parish MP

Following a meeting of the Scrutiny Committee on 24 August 2015

Mr Parish replied that recent improvements to Junction 27 had proved successful with traffic flowing well. Discussion took place regarding the time it took for developers to pay Section 106 monies and contributions. Mr Parish said that he would look into this and that perhaps a system could be put in place whereby the local authority led on the infrastructure with a claw back from the developer.

I understand that there is now in place a system for local authorities to ask for upfront contributions for infrastructure, and that Mid Devon is pursuing this on the proposed new developments in Cullompton. I am very supportive of such a system. I am also meeting with the local enterprise partnership to discuss ways that perhaps they could put forward monies in the form of a loan to help infrastructure to take place. This is then taken back from developers. I understand the problem at present is that so much of the development has to take place before brought up to standard and local residents have to put up with a lot of local traffic and inconvenience.

Cllr Mrs Roach asked Mr Parish if he would ask the Government to consider finding a solution to the problem that elected members did not have recourse to anybody other than the courts when they felt that they had been treated unfairly or in exceptional cases when they suspected that the Council had broken the law. Mr Parish confirmed that he would speak to Ministers to report that whistle-blowing for Councillors was difficult.

I have written to Brandon Lewis MP at DCLG regarding councillors having the ability to whistle-blow. As soon as I receive a response I will forward this to you.

Cllr Moore asked why there were no limits on the scale of anaerobic digestion green energy farm schemes to distinguish between low-impact, local diversification (treated as farm businesses with farming rules) and high-impact, industrial-scale projects (which should be treated accordingly with greater rigour as standard, non-farming businesses). Mr Parish replied that he considered on farm schemes could work very well but in larger cases the infrastructure needed to be put in place. He suggested that he was happy to discuss a specific case with Cllr Moore at another time. He felt that DEFRA could also look at this and he agreed to take this forward.

I suggest that it would be a good idea for me to meet with Cllr Moore to discuss further the implications of the anaerobic digesters within the District. The energy department is reducing the subsidy to larger scale AD plants and so this should have the effect of reducing the number of large plants. I would however like to see the smaller schemes that are genuinely using farm waste and not importing too much waste material from the surrounding district to be kept on a reasonable rate of return.

The Chairman also asked the MP how he felt about A Level education no longer being available in Tiverton. Mr Parish stated that he was not aware of this but he would discuss the matter with the Headmaster of Tiverton High School, Mr Lovett.

Reply from Andrew Lovett, Headteacher at Tiverton High School, regarding A Level education within Tiverton:

We are an 11-16 school, so officially; no. A levels are currently available at Petroc but under threat because low take-up is making the provision very expensive to maintain. I am desperate to keep some A levels in Tiverton for the good of our community and so we currently put a great deal of time and effort into showcasing this provision to our students. I have also arranged with Petroc that some of my staff deliver A levels for them. We call this joint delivery 'T6' (for Tiverton 6th). My thinking is that our students are much more likely to go to Petroc if they can continue with teachers they know and like. The jury is out on whether this is working but Petroc's governors are concerned about the amount Tiverton based A levels cost and we really need an uplift in numbers this coming year.

Cllr Mrs N Woollatt was not at the meeting but had asked Cllr R M Deed to put her question to Mr Parish. Following a recent issue with travellers camping on a local recreation field in Cullompton she asked if it was fair that the local community had to cover the cost of the removal and clear up operation. Mr Parish replied that the Government had carried out a lot of work to put in place a procedure whereby the Police and Councils had the power to evict travellers, but the costs involved had not been looked at. He offered to discuss this matter with the Police and Devon County Council.

I have written to Devon County Council regarding the costs of this and how expensive the situation was for the local community.