

# Public Document Pack

[Prior to the meeting at 5.15pm a Full Council photograph will be taken in the PHOENIX CHAMBER, Phoenix House.]

## MID DEVON DISTRICT COUNCIL

A MEETING of the MID DEVON DISTRICT COUNCIL will be held in the Council Chamber, Town Hall, Tiverton on Wednesday, 15 July 2015 at 6.00 pm

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

[The next meeting is scheduled to be held in Tiverton on Wednesday, 9 September 2015 at 6.00 pm]



**KEVIN FINAN**  
Chief Executive

7 July 2015

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

Reverend David Lyddon, Honorary Curate of St Pauls and St Georges Churches, Tiverton will lead the Council in prayer.

### AGENDA

- 1 **Apologies**  
To receive any apologies for absence.
- 2 **Minutes** (*Pages 7 - 14*)  
To approve as a correct record the Minutes of the Annual Meeting of Council on 20 May 2015  
  
The Council is reminded that only those Members present at the previous meeting should vote and, in doing so, should be influenced only by seeking to ensure that the minutes are an accurate record.
- 3 **Chairman's Announcements**  
To receive any announcements which the Chairman of the Council may wish to make.
- 4 **Public Question Time**  
To receive any questions relating to items on the agenda from members of the public and replies thereto.
- 5 **Petitions**  
To receive any petitions from members of the public.

**Notices of Motions****(1) Motion 520 (Councillor Mrs J Roach – 11 March 2015)**

The following motion had been referred to the Cabinet for consideration and report:

That this Council resolves to write to the Secretary of State for DCLG to ask that when setting out national planning policy the following issues are taken in to consideration.

There is evidence that developers are now buying up old properties in villages and seeking permission to redevelop those sites to obtain a maximum return. By demolishing the existing building and replacing it with more than one house, or alternatively a much larger house, they are creating major problems for existing neighbours.

The first concern is building too close to boundary walls or undermining those walls. It appears that any redress in these cases is via the Party Wall Act and has to be dealt with by a civil action. This entails the neighbour taking legal action which can be long drawn out and costly to fund just to protect their property. If they do not have the funds then they cannot take action. Many people are reluctant to take legal action or are unaware that they could take this route.

The second concern is about rights of access.

It is not uncommon in villages for access to have been taken for granted over hundreds of years, with no thought given to ensuring it was protected in law. Development of the land can interfere with historic rights and those who enjoyed access have to resort to civil action at their own expense to maintain their rights. Some of those properties have been passed down through family members without the access rights being formalised.

The Cabinet at its meeting on 4 June considered the proposal and recommended that it be rejected.

**(2) Motion 521 (Councillor Mrs N Woollatt 25 May 2015)**

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

That this council writes to the relevant minister to urge the Government to adopt a similar policy to that recently introduced in France and Belgium whereby it is now illegal for supermarkets over a certain size to destroy discarded food and must donate food fit for human consumption to charities and other food waste to other methods of recycling such as animal feed, composting or waste to energy. Furthermore, that any such policy also be extended to include food manufacturers and producers.

In accordance with Procedure Rule 13.4, the Chairman of the Council has decided to allow this Motion (if moved and seconded) to be dealt with at this meeting.

### **(3) Motion 522 (Councillor Mrs N Woollatt 25 May 2015)**

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

That this council explores what options may be available to it to introduce a local policy in Mid Devon requiring supermarkets, food manufacturers and producers over a certain size to donate discarded food fit for human consumption to charities and other food waste to other methods of recycling such as animal feed, composting or waste to energy.

In accordance with Procedure Rule 13.4, this Motion (if moved and seconded) will be referred without discussion to the Managing the Environment Policy Development Group

#### 7 **Committee Reports** (*Pages 15 - 96*)

To receive and consider the reports, minutes and recommendations of the Cabinet/Committees as follows:

##### (1) Cabinet

- 4 June 2015
- 2 July 2015

##### (2) Scrutiny Committee

- 15 June 2015
- 13 July 2015 (to follow)

##### (3) Audit Committee

- 23 June 2015

##### (4) Managing the Environment Policy Development Group

- 9 June 2015

##### (5) Decent and Affordable Homes Policy Development Group

- 16 June 2015

##### (6) Community Well-Being Policy Development Group

- 30 June 2015

(7) Planning Committee

- 3 June 2015
- 1 July 2015

(8) Standards Committee

- 28 April 2015

8 **Questions**

To deal with any questions raised pursuant to Procedure Rule 12 not already dealt with during the relevant Committee report.

9 **The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015** *(Pages 97 - 98)*

To receive a report of the Chief Executive recommending changes to the Council's Constitution following recent legislation.

10 **Independent Remuneration Panel Report - June 2015** *(Pages 99 - 116)*

To receive a report of the Head of Communities and Governance informing Members of recommendations from the interim review undertaken by the Independent Remuneration Panel.

11 **Ungrouped vacancy - Planning Policy Advisory Group**

To appoint one Member of the Ungrouped to the Planning Policy Advisory Group following the resignation of Councillor Mrs Roach from this group.

Councillor D J Knowles has shown an interest in this position.

12 **Questions to Cabinet Members**

Cabinet Members will answer questions from members on their Portfolios.

13 **Members Business**

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

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 Sally Gabriel on:

Tel: 01884 234229

Fax:

E-Mail: [sgabriel@middevon.gov.uk](mailto:sgabriel@middevon.gov.uk)

Public Wi-Fi is available in all meeting rooms.

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## MID DEVON DISTRICT COUNCIL

**MINUTES** of a **MEETING** of the **COUNCIL** held on 20 May 2015 at 7.00 pm

### **Present Councillors**

Mrs H Bainbridge, Mrs J B Binks, K Busch,  
R J Chesterton, Mrs C Collis,  
Mrs F J Colthorpe, D R Coren, N V Davey,  
W J Daw, Mrs C P Daw, R M Deed,  
Mrs G Doe, R Dolley, J M Downes,  
C J Eginton, R Evans, S G Flaws,  
Mrs S Griggs, P H D Hare-Scott, P J Heal,  
T G Hughes, Mrs B M Hull, D J Knowles,  
F Letch, B A Moore, R F Radford,  
Mrs J Roach, F R Rosamond,  
Mrs E J Slade, C R Slade, T W Snow,  
J D Squire, Mrs M E Squires, R L Stanley,  
L Taylor, N A Way, Mrs N Woollatt and  
R Wright

### **Apologies Councillors**

Mrs E M Andrews and Miss C E L Slade

#### **1 Chairman of the Council (00-1-10)**

Councillor Mrs M E Squires nominated Councillor W J Daw for election as Chairman of the District Council for the year 2015/2016. This nomination was seconded by Councillor P H Heal It was then:-

**RESOLVED** that Councillor W J Daw be elected Chairman of the Mid Devon District Council for the Municipal Year 2015/2016

In accordance with Section 83 of the Local Government Act 1972, Councillor W J Daw then made a Declaration of Acceptance of Office

#### **2 Retirement of Chairman**

The Chairman thanked the retiring Chairman, Mr E J Berry for the way in which he had carried out the duties of his position and presented a past Chairman's badge. The retiring Chairman thanked the Council.

#### **3 Chairman's Address**

The Chairman addressed the Council and thanked the Members for electing him as Chairman.

#### **4 Apologies (00-17-34)**

Apologies were received from Councillors: Mrs E M Andrews and Miss C E L Slade.

5 **Minutes - 29 April 2015 (00-18-00)**

The Minutes of the Meeting of the Council held on 29 April 2015 were approved as a correct record and **SIGNED** by the Chairman.

6 **Vice Chairman of the Council (00-18-33)**

Councillor R F Radford **MOVED**, seconded by Councillor R Evans:-

“That Councillor T G Hughes be appointed as Vice Chairman of the Council for the Municipal Year 2015/2016”.

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

In accordance with Section 83 of the Local Government Act, 1972, Councillor T G Hughes then made a Declaration of Acceptance of Office and thanked the Council for having appointing him as its Vice Chairman.

7 **Councillor F W Letch**

The Chairman congratulated Councillor F W Letch on the receipt of his MBE which had been presented to him the previous day at Buckingham Palace.

8 **Leader of the Council (00-26-00)**

Councillor R L Stanley nominated Councillor C J Eginton for election as Leader of the Council for the four years until 2019. This nomination was seconded by Councillor P J Heal. It was then:-

**RESOLVED** that Councillor C J Eginton be elected Leader of the Council until 2019.

Councillor C J Eginton then made declaration of Acceptance of Office and thanked the Council for appointing him as Leader.

The Leader then indicated that the following Members with their portfolios would form the Cabinet:

- Deputy Leader and Cabinet Member for Planning and Economic Regeneration – Councillor R J Chesterton
- Cabinet Member for the Environment – Councillor N V Davey
- Cabinet Member for Finance – Councillor P H D Hare-Scott
- Cabinet Member for Housing – Councillor R L Stanley
- Cabinet Member for Community Well-Being – Councillor C R Slade
- Cabinet Member for the Working Environment and Support Services – Councillor Mrs M E Squires

He indicated that he intended to transfer the work regarding safeguarding children and vulnerable adults, community safety, anti-social behaviour, CCTV and health from the portfolio of Community Well-Being to Working Environment and Support Services. Digital transformation, ICT, local land charges, information management



and gazetteer management would be transferred from the Working Environment and Support Services portfolio to Community Well-Being

9 **Chairman of Scrutiny (00-33-36)**

Councillor T G Hughes nominated Councillor F J Rosamond for election as Chairman of Scrutiny. The nomination was seconded by Councillor Mrs A R Berry.

Upon a vote being taken, it was

**RESOLVED** that Councillor F J Rosamond be elected Chairman of Scrutiny for the Municipal Year 2015/2016.

10 **Appointment of Committees, Sub Committees, Working Groups and other Internal Bodies (00-41-55)**

The Council had before it Tables setting out the proposed allocation of seats on Committees and other Council bodies.

**Arising thereon:-**

**Appointment of Committees and Allocation of Seats on Committees and other Council Bodies**

The Chairman **MOVED THAT**,

(a) the Tables be approved with regard to the allocation of seats on Committees and other bodies;

(b) Members be appointed to Committees in accordance with the names notified to the Chief Executive by each of the Political Groups represented on the Council, to give effect to the approved allocation of seats as determined in (a) above;

(c) Members also be appointed to Working Groups and other Internal Bodies in accordance with the names notified to the Chief Executive by each of the Political Groups represented on the Council, to give effect to the approved allocation of seats as determined in (a) above;

(d) the Chief Executive be authorised to give effect to such changes to membership of Committees, Working Groups and other internal bodies as may be notified to him from time to time by the relevant Political Group to which those seats have been allocated by the Council.

(e) the appointment to seats remaining to be filled by Members, not being members of a Political Group, shall be made at this meeting.

Upon a vote being taken the individual **MOTIONS** were declared to have been **CARRIED**, with Councillor Mrs J Roach requesting that her votes against the decisions be recorded; the allocation and the following Table was **APPROVED** including the appointment of Councillor Mrs J Roach to the Scrutiny Committee, the Standards Committee and the Planning Policy Advisory Group; the appointment of Councillor D J Knowles to the Planning Committee, Planning Working Group,

Licensing Committee and Regulatory Committee; the appointment of Councillor Mrs N Woollatt to the Scrutiny Committee, Managing the Environment Policy Development Group and Planning Policy Advisory Group; the appointment of Councillor R M Deed to the Audit Committee and Community Well-Being Policy Development Group; the appointment of Cllr R J Dolley to the Decent and Affordable Homes Policy Development Group and the Planning Committee; the appointment of Councillor J L Smith to the Planning Committee , Licensing Committee and Regulatory Committee.

## MEMBERSHIP OF COMMITTEES 2015/16

<p>CABINET  <b>Leader – Cllr C J Eginton</b>  <b>Deputy Leader and Cabinet Member for Planning and Economic Regeneration – Cllr R J Chesterton</b>  <b>Cabinet Member for the Environment – Cllr N V Davey</b>  <b>Cabinet Member for Housing – Cllr R L Stanley</b>  <b>Cabinet Member for Community Well-Being - Cllr C R Slade</b>  <b>Cabinet Member for Finance – Cllr P H D Hare-Scott</b>  <b>Cabinet Member for Working Environment and Support Services – Cllr Mrs M E Squires</b></p>
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<p><b>Scrutiny (12)</b>  Mrs H Bainbridge (C)  Mrs R Berry (C)  Mrs J B Binks (C)  Mrs C P Daw (C)  S G Flaws (C)  Mrs S Griggs (C)  T G Hughes (C)  B A Moore (C)  Mrs J Roach (UG)  <b>F J Rosamond (ING)</b>  N A Way (LD)  Mrs N Woollatt (UG)</p>	<p><b>Audit Committee (7)</b>  Mrs J B Binks (C)  Mrs C A Collis (C)  R M Deed (UG)  R Evans (C)  T G Hughes (C)  F W Letch (LD)  R F Radford (C)</p>	<p><b>Managing the Environment PDG (9)</b>  Mrs C P Daw (C)  D R Coren (C)  R Evans (C)  R F Radford (C)  Mrs E J Slade (C)  J D Squire (C)  T W Snow (ING)  Mrs N Woollatt (UG)  R Wright (LD)</p>	<p><b>Decent &amp; Affordable Homes PDG (9)</b>  Mrs E M Andrews (ING)  Mrs H Bainbridge (C)  Mrs R Berry (C)  Mrs G Doe (C)  R J Dolley (UG)  W J Daw (C)  R Evans (C)  P J Heal (C)  L Taylor (LD)</p>
<p><b>Community Well-Being PDG (9)</b>  Mrs E M Andrews (ING)  Mrs R Berry (C)  Mrs J B Binks (C)  R M Deed (UG)  Mrs B M Hull (C)  F W Letch (LD)  B A Moore (C)  Miss C E L Slade (C)  Mrs E J Slade (C)</p>	<p><b>Planning Working Group (8)</b>  Mrs H Bainbridge (C)  Mrs J B Binks (C)  K I Busch (C)  Mrs F J Colthorpe (C)  J M Downes (LD)  P J Heal (C)  D J Knowles (UG)  R F Radford (C)</p>	<p><b>Planning Substitutes (5)</b>  B A Moore (C)  Mrs B M Hull (C)  ..... (LD)  Vacant (UG)  Vacant (UG)</p>	<p><b>Standards (9)</b>  R J Chesterton (C)  Mrs F J Colthorpe (C)  N V Davey (C)  Mrs S Griggs (C)  Mrs J Roach (UG)  F J Rosamond (ING)  C R Slade (C)  Mrs M E Squires (C)  L D Taylor (LD)</p>

<b>Planning Committee (15)</b>  Mrs H Bainbridge(C) Mrs J B Binks (C) K I Busch (C) Mrs C A Collis (C) Mrs F J Colthorpe (C) R J Dolley(UG) J M Downes (LD) S G Flaws (C) P J Heal (C) D K Knowles (UG) R F Radford (C) J L Smith (UG) J D Squire (C) R L Stanley (C) .....(LD)	<b>Licensing Committee (15)</b>  Mrs E M Andrews (ING) K I Busch (C) R J Chesterton (C) Mrs F J Colthorpe (C) D R Coren (C) N V Davey (C) Mrs G Doe (C) J M Downes (LD) C J Eginton (C) P H D Hare-Scott (C) Mrs B M Hull (C) T G Hughes (C) D J Knowles (UG) J L Smith (UG) L D Taylor (LD)	<b>Regulatory Committee (15)</b>  Mrs E M Andrews (ING) K I Busch (C) R J Chesterton (C) Mrs F J Colthorpe (C) D R Coren (C) N V Davey (C) Mrs G Doe (C) J M Downes (LD) C J Eginton (C) P H D Hare-Scott (C) Mrs B M Hull (C) T G Hughes (C) D J Knowles (UG) J L Smith (UG) L D Taylor (LD)	<b>Planning Policy Advisory Group (9)</b>  Mrs H Bainbridge (C) R J Chesterton (C) Mrs F J Colthorpe (C) J M Downes (LD) Mrs B M Hull (C) R L Stanley (C) Mrs J Roach (UG) .....(LD) Mrs N Woollatt (UG)
<u>May 2015</u>	<b>Appointments Panel (5)</b>  Leader Deputy Leader Chairman of the Council Cabinet Member for WE & SS Chairman of Scrutiny		<b>C –</b>  <b>Conservatives</b>  <b>ING</b> – Independent Non-Aligned Group <b>LD</b> – Liberal Democrats <b>UG</b> – Ungrouped Member

### Allocation

#### 11 Appointment to Outside Bodies 2015/16 (00-59-33)

The Chairman **MOVED**,

“**THAT** Members be appointed to outside bodies in accordance with the list circulated”

Upon a vote being taken the **MOTION** was declared to have been **CARRIED** and the following appointments **APPROVED**.

### Outside Body Appointments 2015/16

Outside Body	Representative/s	Appointment Length
Blackdown Hills ANOB Partnership	Cllr F J Rosamond	Annual
Broadpath Landfill Liaison Committee	Cllr R Evans	Annual
Business Forum Mid Devon	Cllr R J Chesterton	Annual
Culm Valley Children’s Monitoring Group	Vacant	Annual
Citizens Advice Bureau – Torridge, Mid Devon & Bude	Cllr Mrs J B Binks	4 years until May 2019

Community Safety Partnership	Cllr Mrs M E Squires	4 years until May 2019
Council for the Protection of Rural England Devon Area Executive Committee	Cllr J D Squire	Bi-annual
Cullompton Town Team 2 Members	Cllr K I Busch Vacant	Annual
Cullompton Traffic Issues & Environment Working Group	Cllr K I Busch	4 years until May 2019
Dartmoor National Park Authority Forum 2 Members	Cllr D R Coren Cllr J D Squire	4 years until May 2019
Devon Authorities Waste Reduction & Recycling Committee	Cllr N V Davey	4 years until May 2019
Devon Districts Forum	Cllr C J Eginton	Annual
Devon Historic Buildings Trust	Cllr Mrs E J Slade	Annual
Devon and Exeter Rail Project Working Party 2 Members	Cllr R J Chesterton Cllr P J Heal	Annual
General Assembly of LGA	Cllr C J Eginton	4 years until May 2019
INVOLVE – Voluntary Action in Mid Devon	Cllr D J Knowles	Annual
Mid Devon Children's Centres Advisory Board	Cllr Mrs J B Binks	4 years until 2019
Mid Devon Community Safety Partnership  - Exe Local Action Group - Creedy Local Action Group - Culm Local Action Group	<u>Exe</u> Cllrs Mrs C P Daw and Mrs J Roach <u>Creedy</u> Cllrs D R Coren and R Wright <u>Culm</u> Cllrs Mrs E M Andrews T G Hughes and Mrs N Woollatt	4 years until May 2019
Mid Devon Highways and	Cllr R J Chesterton Cllr D R Coren	Bi-annual

Traffic Orders Committee (2 Members)		
Most Sparsely Populated Councils Group	Cllr Mrs H Bainbridge	4 years until May 2019
Museums Libraries and Archives South West (consultation only – no meetings)	Cllr B A Moore	Annual
South Western Ambulance Service NHS Foundation Trust	Vacant until investigations take place to ascertain if this position is still available	May 2019
South West Councils	Leader	Annual
South West Councils Employers Panel	Cllr Mrs M E Squires	Annual
Tiverton Adventure Playground Committee	Cllr Miss C E L Slade	4 years until May 2019
Tiverton & District Community Transport Association	Cllr C R Slade	
Tiverton & Mid Devon Museum Trust Executive Committee	Cllr Mrs E J Slade	4 years until May 2019

## 12 Scheme of Delegations (1-24-13)

The Chairman **MOVED**:-

**“THAT** the Council agree the existing scheme of delegations as set out in Part 3 of the Constitution subject to the correction to the wording to Paragraph 8.5 of the scheme to state the following:

The nature of a decision being taken may mean that the delegated officer is obliged to consult with a Cabinet Member. Such a decision would have previously been taken by a policy committee. However, not all decisions which previously went to a policy committee will necessarily need to go to a formal decision making meeting of the Cabinet. What matters is the significance of the decision. See Table A above. Officers may also need to refer the decision to the Cabinet.

In addition to these formal requirements, delegated officers should ensure, through informal processes that the minority parties, relevant ward councillors and other

affected councillors are kept informed and provided with appropriate opportunities to contribute.

These processes should be properly structured, and it is particularly important that Chief Officers meet regularly with representatives of all parties to brief them as to forthcoming significant decisions including, where appropriate, decisions which would previously have been taken by a policy committee. This will assist delegated officers in deciding whether or not formal consultation with the Cabinet members is required or any reference to the Cabinet”.

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

### 13 **Programme of Meetings**

The Chairman **MOVED:-**

**THAT** the following programme of ordinary meetings of the Council for the year 2014/15 be approved:-

15 July 2015, 9 September 2015, 4 November 2015, 6 January 2016, 24 February 2016 and 27 April 2016

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

### 14 **Honorary Alderman Bill Trickey**

The Chief Executive informed the meeting of the recent death of Honorary Alderman Bill Trickey, his funeral would take place at St Peter’s Church, Tiverton on Friday 29 May at 2.00pm.

(The meeting ended at 8.33 pm)

**CHAIRMAN**

## MID DEVON DISTRICT COUNCIL

**MINUTES** of a **MEETING** of the **CABINET** held on 4 June 2015 at 2.15 pm

### **Present**

#### **Councillors**

C J Eginton (Leader)  
R J Chesterton, N V Davey, P H D Hare-  
Scott, C R Slade, Mrs M E Squires and  
R L Stanley

### **Apologies**

#### **Councillors**

### **Also Present**

#### **Councillors**

Mrs J Roach

### **Also Present**

#### **Officers:**

Kevin Finan (Chief Executive), Andrew Jarrett (Head of Finance), Amy Tregellas (Head of Communities and Governance and Monitoring Officer), Christina Cross (Head of BIS), Liz Reeves (Head of Customer Services), Jenny Clifford (Head of Planning and Regeneration) and Sally Gabriel (Principal Member Services Officer)

## 1. **APOLOGIES**

There were no apologies.

## 2. **PUBLIC QUESTION TIME**

There were no members of the public present.

## 3. **MINUTES OF THE PREVIOUS MEETING (00-00-45)**

The minutes of the meeting on 2 April 2015 were approved as a correct record and **SIGNED** by the Chairman.

## 4. **NIGHT TIME ECONOMY (00-01-42)**

Arising from discussions at the Scrutiny Committee who considered the work of the Night Time Economy Working Group at its meeting on 13 April 2015; the following recommendations were put before the Cabinet:

- i) The Waste Service liaise with the Licensing Service to ensure that the litter from late night food premises be kept to a minimum. Should a problem arise with a specific premises a letter be sent to remind them of their duty to keep the area clean.

- ii) The Licensing Officer liaise with the Devon and Cornwall Police with regard to Temporary Extension Notices, to ensure that they are dealt with in a timely fashion and that all of the appropriate people are aware of them.
- iii) The Licensing Officer ensure that measures be put in place to monitor Temporary Extension Notices when offices were closed.

The Cabinet Member for Community Well-Being introduced the item and asked the previous Chairman of the Scrutiny Committee who was present to outline the background to the recommendations. She had been a Member of the Working Group and had spent a Saturday evening in Tiverton with Police Inspector Jane Alford Mole, several issues had been raised and these formed the basis for the recommendations to Cabinet.

Discussion took place regarding the late night venues in Gold Street, a recent licensing application and specific planning conditions which would be investigated by the Head of Planning and Regeneration.

It was therefore:

**RESOLVED** that the recommendations of the Scrutiny Committee be approved.

(Proposed by Cllr C R Slade and seconded by Cllr N V Davey)

Note: Cllr Mrs M E Squires declared a personal interest as she had made a representation regarding a recent Licensing application in Gold Street.

5. **COUNCIL MOTION 520 (COUNCILLOR MRS J ROACH - 11 MARCH 2015) (00-08-00)**

The Cabinet considered the following Motion referred by the Council:

That this Council resolves to write to the Secretary of State for DCLG to ask that when setting out national planning policy the following issues are taken in to consideration.

There is evidence that developers are now buying up old properties in villages and seeking permission to redevelop those sites to obtain a maximum return. By demolishing the existing building and replacing it with more than one house, or alternatively a much larger house, they are creating major problems for existing neighbours.

The first concern is building too close to boundary walls or undermining those walls. It appears that any redress in these cases is via the Party Wall Act and has to be dealt with by a civil action. This entails the neighbour taking legal action which can be long drawn out and costly to fund just to protect their property. If they do not have the funds then they cannot take action. Many people are reluctant to take legal action or are unaware that they could take this route.

The second concern is about rights of access. It is not uncommon in villages for access to have been taken for granted over hundreds of years, with no thought given to ensuring it was protected in law.



Development of the land can interfere with historic rights and those who enjoyed access have to resort to civil action at their own expense to maintain their rights. Some of those properties have been passed down through family members without the access rights being formalised”.

Cllr Mrs Roach was invited to speak to the Motion: she outlined issues that had occurred in her Ward.

Discussion followed with regard to: issues that were beyond the the control of the planning system and would be a civil matter, the impact of development on local residents, the issue was outside the remit of the local authority but that the local Member of Parliament would be well placed to lobby the Planning Minister and should therefore be contacted.

It was therefore:

**RESOLVED** that the Council be recommended to reject the Motion.

(Proposed by Cllr R J Chesterton and seconded by Cllr R L Stanley).

## 6. **REVENUE AND CAPITAL OUTTURN 2014/15 (00-17-58)**

The Cabinet had before it a report\* of the Head of Finance presenting the revenue and capital outturn figures for the financial year 2014/15.

The Cabinet Member for Finance highlighted the key messages within the report which were:

- Taking into consideration the redundancy costs and the relocation of the Waste Service the General Fund outturn had only showed an overspend of £90k.
- No money had been taken from Reserves to balance the budget.
- The Housing Revenue Fund showed a healthy balance.
- The Capital Programme had slipped and it was proposed to carry forward the underspend.
- Appreciation of the prompt delivery of the outturn by the finance team.

**RESOLVED** that:

a) the General Fund outturn achieved in 2014/15 which showed an overall overspend of £90k be noted.

b) the net transfers to/from ear marked reserves of £1,082k detailed in the General Fund service budget variance reports shown in Appendix 1 & 2 and summarised in Appendix 4 be approved.

c) the positive position achieved on the Housing Revenue Account which showed an annual saving of £867k be noted and approve the “ear marking” of specific items totalling £1,549k identified in Appendix 4 and the extra £871k shown in paragraph 3.3 be approved.

d) the carry forward of £1,788k (see paragraph 5.2) relating to scheme slippage on the 2014/15 capital programme as all of the schemes will be delivered in 2015/16 be approved

e) the Treasury Management performance achieved in 2014/15 as detailed in paragraph 6 be noted.

(Proposed by the Chairman)

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

#### 7. **ANNUAL TREASURY REPORT 2014/15 (00-20-52)**

The Cabinet had before it and **NOTED** a report\* of the Head of Finance informing it of the Council's treasury management performance for 2014/15.

The Cabinet Member for Finance outlined the contents of the report particularly monies placed on deposit and monies borrowed. He highlighted the current financial climate and outlined the investments being made in council housing and commercial property.

Consideration was given to investment opportunities for the next financial year, the detail of which would be received by way of a report to a future meeting.

Notes:

- i) Cllr C J Eginton declared a personal interest as he received a pension from Lloyds Bank;
- ii) Cllr N V Davey declared a personal interest as he was a member of the Royal Bank of Scotland Pension Scheme;
- iii) \*Report previously circulated, copy attached to minutes.

#### 8. **REVENUES AND BENEFITS PERFORMANCE (00-24-40)**

The Cabinet had before it and **NOTED** a report \* of the Head of Finance informing it of the performance of the Council Tax, Non Domestic Rates and Housing Benefit teams.

The Cabinet Member for Finance outlined the contents of the report highlighting the overall performance of both the Housing Benefit and Council Tax Collection Teams despite the extra pressures being placed on them as a direct consequence of Central Government imposed legislation.

#### 9. **JOINT WORKING WITH NORTH DEVON (00-25-59)**

***The Cabinet had before it a report of the Head of Business Information Services advising it of the need to continue to pursue partnership working, to producing a detailed business case that would allow an informed decision to be made.***

The Cabinet Member for Community Well-Being outlined the contents of the report stating that since October 2014 both North Devon Council and Mid Devon Council had been sharing Mid Devon's Head of Business Information Services. This enabled the preparation of a Business Case to work in partnership with a single ICT service between the two councils. The initial reasoning was to make significant reductions in the cost of delivering services and to create efficiencies because of the ever decreasing settlements from central government. The councils shared boundaries and had similarities and challenges in servicing remote rural communities.

**Consideration was given to:**

- **The fact that there was a need to reduce costs but that the high standards of the service should be maintained and that discussions would continue to take place between officers from both authorities.**
- Two small authorities, sharing ICT and skilled staff provided greater resilience in the current economic climate.

**RESOLVED that:**

- a) The Chief Executive, in consultation with the Cabinet Member, negotiate with North Devon Council for the provision of a joint ICT service.
- b) The form and structure of the joint service be negotiated and reported to a future Cabinet meeting.

(Proposed by Cllr C R Slade and seconded by Cllr P H D Hare-Scott)

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

10. **COMMUNICATION STRATEGY AND MEDIA AND SOCIAL MEDIA PROTOCOL (00-31-56)**

The Cabinet had before it a report \* of the Head of Customer Services providing it with a new Communication Strategy and Media & Social Media Protocol for recommendation to Council.

The Cabinet Member for Community Well-Being outlined the contents of the report stating that it was important that there was effective communication with all our stakeholders, both internally and externally and that the strategy explained how the Local Authority would develop and maintain effective communication.

Internally this will be two-way communication between staff and between staff and elected Members. Externally there needed to be both one-way and two-way communication with the public and other key stakeholders. The Communication Strategy set out how this should be achieved and how to measure the success of the communication strategies used.

The Media and Social Media Protocol had been provided to give advice and guidance to officers and elected Members on how we will deal with media and social media.

Consideration was given to the need for better communication between officers and Members

**RECOMMENDED** to Council that the Communication Strategy and Media & Social Media Protocol be endorsed.

(Proposed Cllr C R Slade and seconded by Cllr P H D Hare-Scott)

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

11. **START TIME OF MEETINGS (00-34-35)**

The Cabinet were requested to consider a start time for its meeting for the municipal year 2015/16.

**RESOLVED** that meetings of the Cabinet continue to be held at 2.15pm.

(Proposed by the Chairman)

12. **NOTIFICATION OF KEY DECISIONS (00-35-20)**

The Cabinet had before it, and **NOTED**, its rolling plan \* for July 2015 containing future key decisions.

Members were informed that the review of the Article 4 Direction for Cullompton had been moved on to the meeting of 27 August 2015.

Note: \* Plan previously circulated; copy attached to the signed Minutes

13. **ACCESS TO INFORMATION ACT - EXCLUSION OF THE PRESS AND PUBLIC (00-37-55)**

Prior to considering Item 14 on the agenda discussion took place as to whether it was necessary to pass the following resolution to exclude the press and public having reflected on Article 12 12.02(d) (a presumption in favour of openness) of the Constitution. The Cabinet decided that in all the circumstances of the case, the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

It was therefore

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

(Proposed by the Chairman)

14. **EXTERNAL PAINTING AND REPAIRS OF COUNCIL HOMES 2015-2020**

The Cabinet had before it a report of the Head of Housing and Property Services outlining proposals for undertaking the external painting of the Council's homes for the next five years (2015-2020).

**RESOLVED** that the recommendation within the report be approved.

(Proposed by Cllr R L Stanley and seconded by Cllr Mrs M E Squires)

Note: Report preciously circulated.

(The meeting ended at 2.57 pm)

**CHAIRMAN**

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## MID DEVON DISTRICT COUNCIL

**MINUTES** of a **MEETING** of the **CABINET** held on 2 July 2015 at 2.15 pm

### **Present**

#### **Councillors**

C J Eginton (Leader)  
R J Chesterton, N V Davey, P H D Hare-  
Scott, C R Slade, Mrs M E Squires and  
R L Stanley

### **Also Present**

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

Kevin Finan (Chief Executive), Andrew Jarrett (Head of Finance), Jenny Clifford (Head of Planning and Regeneration), Stuart Noyce (Waste and Transport Manager) and Sally Gabriel (Principal Member Services Officer)

## 15. **APOLOGIES**

There were no apologies received.

## 16. **PUBLIC QUESTION TIME**

There were no members of the public present.

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

The minutes of the meeting of 4 June were approved as a correct record and **SIGNED** by the Chairman.

## 18. **NEW COLLECTION SCHEME FOR WASTE AND RECYCLING SERVICE (00-01-43)**

Arising from a \*report of the Waste and Transport Manager and a recommendation from the Managing the Environment Policy Development Group, the PDG had recommended that:

- (i) The annual charge for fortnightly collections of Garden Waste from a 240L bin be set at £47.00.
- (ii). The annual charge for fortnightly collections of Garden Waste from a 140L bin be set at £35.00.
- (iii) The charge for sacks be set at £13.00 for a roll of 10.
- (iv) Subject to the change of wording from 'purchase' to 'subscribe' in 3.4, and clarification regarding where sacks could be purchased, the Terms and Conditions set out in Appendix B be adopted

The Cabinet Member for the Environment welcomed Stuart Noyce (Waste and Transport Manager) to the meeting and outlined the contents of the report stating that the most significant changes to the scheme at this stage were that of the introduction of a scheme to recycle all plastics and for the separate collection of cardboard; encouraging rates of recycling were being realised.

Discussion followed with regard to:

- The reuse of the brown bins following the introduction of the second phase of the scheme in the autumn
- Encouraging recycling and the introduction of a Waste Enforcement Officer
- Recent negative coverage of the scheme in the local newspaper
- The phased roll out of the scheme across the district, with 29,000 boxes already delivered over a 4 week period
- The small percentage of phone enquiries regarding the scheme
- Advertising for the second phase of the scheme
- Dual refuse collection vehicles
- The estimated take up of the garden waste scheme
- Possible savings to be made by Devon County Council following the introduction of the scheme.

Members recorded their appreciation to Mr Noyce and his team with regard to all the work that had gone into the introduction of the new scheme.

**RESOLVED** that the recommendation be approved.

(Proposed by the Chairman)

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

19. **HOUSING ANTI-SOCIAL BEHAVIOUR POLICY (00-32-48)**

Arising from a \*report of the Head of Housing and Property Services and a recommendation from the Decent and Affordable Homes Policy Development Group, the PDG had recommended that the revised Housing Service Anti-Social Behaviour policy and procedures be approved.

The Cabinet Member for Housing outlined the contents of the report highlighting the revised policy and stating that the Council was required to work in partnership with other agencies to prevent and tackle anti-social behaviour in neighbourhoods where homes were provided. To abide by the legislation the Council were required to update its policy. The PDG had discussed the matter in full and therefore it was:

**RESOLVED** that the recommendation of the Decent and Affordable Homes Policy Development Group be approved.

(Proposed by the Chairman)

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



20. **HOUSING SERVICE HARASSMENT POLICY (00-34-34)**

Arising from a report of the Head of Housing and Property Services and a recommendation from the Decent and Affordable Homes Policy Development Group, the PDG had recommended that the adoption of the new Harassment Policy be recommended to Council.

The Cabinet Member for Housing stated that the Housing Service were required to have policy and procedural commitments relating to the prevention and management of racial and other harassment and that this policy had been drafted to complement the revised Anti-Social Behaviour policy and procedures.

Discussion followed with regard to the health and safety of officers and incidents that had taken place.

**RECOMMENDED** to Council that the Harassment Policy be approved subject to the insertion of an additional paragraph at 16.2 to state that: "Tenants, their households or visitors must not harass, intimidate, verbally abuse, physically abuse, use violence or threaten to use violence towards our staff, contractors or agents, in accordance with the terms of the Council's standard tenancy agreements. We have robust procedures in place to maintain the health and safety of our officers and we will notify the Police, as appropriate, and if the victim wishes, if we feel that any of our staff are being affected by harassment or hate crime arising from their work".

(Proposed by Chairman)

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

21. **HOUSING SERVICE DOMESTIC ABUSE POLICY (00-38-02)**

Arising from a \*report of the Head of Housing and Property Services and a recommendation from the Decent and Affordable Homes Policy Development Group, the PDG had recommended that the adoption of the Housing Service Domestic Abuse Policy be recommended to Council.

The Cabinet Member for Housing outlined the contents of the report stating that the new policy contained a section setting out a number of definitions. It also contained examples of each type of behaviour; for example, physical abuse was defined as slapping, pushing, kicking, punching and stabbing, or other physical assault. This would provide guidance for officers and clarity for service users.

**RECOMMENDED** to Council that the Housing Service Domestic Abuse Policy be approved.

(Proposed by the Chairman)

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

## 22. HOUSING SERVICE HOARDING POLICY (00-39-30)

Arising from a \*report of the Head of Housing and Property Services and a recommendation from the Decent and Affordable Homes Policy Development Group, the PDG had recommended that the adoption of the Housing Service Hoarding Policy be recommended to Council.

The Cabinet Member for Housing outlined the contents of the report stating that the Council was committed to improving the Housing Service; the implementation of a new Hoarding Policy would provide guidance for officers to follow when responding to issues that arose when properties were cluttered or were being used to hoard large amounts of possessions including animals.

It was good practice to put in place preventative measures to reduce health and safety risks to the tenant and others as well to reduce neglect and wilful damage to the property.

Consideration was given to the types of hoarding ranging from rubbish to the number of dogs kept in a property.

**RECOMMENDED** to Council that the Housing Service Hoarding Policy be approved.

(Proposed by Chairman)

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

## 23. HOUSING SERVICES PETS AND ANIMALS POLICY (00-41-17)

Arising from a \*report of the Head of Housing and Property Services and a recommendation from the Decent and Affordable Homes Policy Development Group, the PDG had recommended that the revised policy be adopted.

The Cabinet Member for Housing outlined the contents of the report stating that the reviewed policy had been updated to reflect changes in good practice and future legislation changes in pet and animal ownership. The policy gave greater clarity on responsible pet and animal ownership taking into account good practice identified by the RSPCA.

Consideration was given to paragraph 7.2 of the policy and the number of pets per household that was felt to be acceptable.

**RESOLVED** that the recommendation of the Decent and Affordable Homes Policy Development Group be approved.

(Proposed by Chairman)

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

#### 24. **COMPENSATION POLICY (00-43-58)**

Arising from a \*report of the Head of Housing and Property Services and a recommendation from the Decent and Affordable Homes Policy Development Group, the PDG had recommended that the adoption of the Compensation Policy be recommended to Council.

The Cabinet Member for Housing outlined the contents of the report stating that there may be occasions when service standards were not being met and as such it may be necessary to compensate a tenant for loss or inconvenience. In those cases it was recognised that the tenant may have a statutory right to compensation. It was essential that a policy was put in place to ensure that all claims for compensation were dealt with in a fair and consistent manner, within published timescales and parameters.

**RECOMMENDED** to Council that the Compensation Policy be approved.

(Proposed by the Chairman)

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

#### 25. **TENANT INVOLVEMENT POLICY (00-45-46)**

Arising from a \*report of the Head of Housing and Property Services and a recommendation from the Decent and Affordable Homes Policy Development Group, the PDG had recommended that the revised policy be adopted.

The Cabinet Member for Housing outlined the contents of the report stating that he acknowledged that not all of our tenants would want to get involved. All tenants were consulted on their views in relation to tenant involvement. The results demonstrated a high level of apathy. Over 3000 households were sent a questionnaire survey but only 122 responses were received either by post or online. 29 tenants were invited to attend a focus group to give us their views, but, unfortunately, this was not very well attended, with only 3 attending.

Consideration was given to the lack of involvement by tenants and that this was seen in a positive light in that tenants were happy with the support they were receiving.

**RESOLVED** that the recommendation of the Decent and Affordable Homes Policy Development Group be approved.

(Proposed by Chairman)

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

#### 26. **TENANT INVOLVEMENT STRATEGY (00-45-46)**

Arising from a \*report of the Head of Housing and Property Services and a recommendation from the Decent and Affordable Homes Policy Development Group, the PDG had recommended that the revised policy be adopted.

The Cabinet Member for Housing outlined the contents of the report and it was proposed that the strategy be approved in line with the policy.

**RESOLVED** that the recommendation of the Decent and Affordable Homes Policy Development Group be approved.

(Proposed by Chairman)

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

## 27. PLANNING POLICY PROCEDURE REPORT (00-49-49)

The Cabinet had before it a \* report of the Forward Planning Team Leader reviewing the procedures for formatting and adopting planning policy and planning policy documents to reflect work streams previously omitted when planning policy procedures were previously considered by Council in 2012.

The Cabinet Member for Planning and Economic Regeneration outlined the contents of the report stating that when the reporting processes for planning policy had been amended in 2012, the issue of conservation areas had been omitted, the intention of the report was to clarify the process.

Consideration was given to holding meetings in specific towns for local items.

**RECOMMENDED** to Council that:

- a) The Council approve the changed procedure for dealing with Planning Policy as set out below.
- b) Following adoption the necessary changes are made to the Constitution.
- c) The Scheme of Delegation to the Head of Planning and Regeneration be amended accordingly.

Type of Policy	Advisory Group	Cabinet	Council for approval of submission document or adoption	Requires separate meeting of Cabinet in each of the main three towns
Introduction of New Conservation Areas	Yes	Yes	Yes	No
Conservation Area Appraisals (Changes to Conservation Area Boundaries Proposed)	Yes	Yes	No	No
Conservation Area Appraisals (Technical assessments with no boundary changes proposed)	Yes	Delegated approval by the Head of Planning in consultation with the Local Ward Member(s) & Cabinet Member (P&R).		No
Article 4 Directions	Yes	Yes	Yes	No
Neighbourhood Plans	Yes	Yes	Yes	No

Neighbourhood Plan Area Designations	If approved and the proposed areas adhere to parish boundaries then decisions made by the Head of Planning in consultation with the Cabinet Member (P&R). If not approved, or does not follow Parish Boundaries, then decision referred to Cabinet.	No
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(Proposed by the Chairman)

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

## 28. **PERFORMANCE AND RISK (00-52-48)**

The Cabinet had before it and **NOTED** a \* report of the Head of Communities and Governance providing Members with an update on performance against the Corporate Plan and local service targets for 2014/15 as well as providing an update on the key business risks.

The Cabinet Members identified issues within their portfolios:

- Waste - the service was going through changes which would increase levels of recycling.
- Housing – performance was excellent even though it was just outside of the targets. Rent arrears and rent collection were also highlighted as excellent.
- Community Well-Being – the percentage of food premises inspected was highlighted, this matter had been discussed at the Audit Committee and issues were being addressed.
  - Leisure Members retained month on month, the negative figure was minimal and work was taking place to increase income.
- Planning – issues within the Building Control Service were highlighted, a review of service delivery had been undertaken by the North Devon Council Building Control Manager and discussions were taking place with North Devon with regard to closer working.
  - Enforcement issues and the possibility of measuring outcomes was discussed, it was reported that 2 new enforcement officers had joined the team.
- Working Environment – issues had been highlighted by the Audit Committee with regard to working days lost due to sickness. A table with reasons was distributed for information.
- Finance – excellent results were highlighted.

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

## 29. **NOTIFICATION OF KEY DECISIONS (1-14-01)**

The Cabinet had before it and **NOTED**, its \* rolling plan for July/August 2015 containing future key decisions.

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

(The meeting ended at 3.30 pm)

**CHAIRMAN**

## MID DEVON DISTRICT COUNCIL

**MINUTES** of a **MEETING** of the **SCRUTINY COMMITTEE** held on 15 June 2015 at 2.15 pm

### **Present**

#### **Councillors**

F R Rosamond (Chairman)  
Mrs C P Daw, Mrs S Griggs, T G Hughes,  
B A Moore, Mrs J Roach, Mrs E J Slade,  
T W Snow, Mrs N Woollatt, Mrs R Berry and  
R Wright

### **Apologies**

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

Mrs H Bainbridge, Mrs J B Binks and N A Way

### **Also Present**

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

N V Davey, C J Eginton and R L Stanley

### **Also Present**

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

Liz Reeves (Head of Customer Services), Andrew Jarrett (Head of Finance), Jill May (Head of HR and Development), Amy Tregellas (Head of Communities and Governance and Monitoring Officer) and Sally Gabriel (Principal Member Services Officer)

## 1 **ELECTION OF VICE CHAIRMAN**

**RESOLVED** that Cllr T G Hughes be elected Vice-Chairman of the Committee for the municipal year 2015/16.

## 2 **APOLOGIES AND SUBSTITUTE MEMBERS (00-04-17)**

Apologies were received from Cllr Mrs H Bainbridge, Cllr Mrs J B Binks who was substituted by Cllr Mrs A R Berry and Cllr N A Way who was substituted by Cllr R Wright.

## 3 **PUBLIC QUESTION TIME (00-04-27)**

The Chairman read an email from Mr and Mrs D Speirs referring to Item 11 (Legal Services Update) on the agenda which stated that:

We note that Legal Services are giving an update under Item 11.

Below is an extract of the Minutes of the Planning Committee meeting in June 2014, when it was resolved to take action as shown. Since nothing appears to have happened and we are unable to get information on progress, if any, please could this be brought to the attention of the Scrutiny Committee when considering Legal Services performance?

MINUTES of the MEETING OF THE PLANNING COMMITTEE held on 18 June 2014 at 2.15pm

No. 1 in the Enforcement List (Enforcement Case ENF/13/00060/LIS- unauthorised works namely the removal of ground floor front door and window at Grade II listed building contrary to Section 7 of the Planning (Listed Buildings and Conservation Areas) Act 1990 - 22 A Fore Street, Cullompton).

RESOLVED that delegated authority be given to the Legal Services Manager to take the appropriate legal action to include the service of a Listed Building Enforcement Notice or Notices, the Notice to require that the ground floor door and ground floor window on the northern elevation situated in New Cut, Cullompton be replaced to a specification provided by the Local Planning Authority. In the event of a failure to comply with the Listed Building Enforcement Notice the consideration of prosecution proceedings, the issue of injunction proceedings or direct action.

The Head of Communities and Governance stated that correspondence had passed between the Private Sector Housing Service, Planning Enforcement and the Conservation Officers in April of this year, the Legal Team were now awaiting specifications for the new door and window, and following this a notice would be served. She also stated that this issue had now been logged as a complaint; there were lessons to be learnt and a procedure needed to be put in place so that decisions of committee were dealt with in a timely manner.

**4 MEMBER FORUM (00-10-58)**

There were no issues raised under this item.

**5 MINUTES OF THE PREVIOUS MEETING (00-11-08)**

Subject to the following amendments:

(i) Minute 175 to state that:

a) The Scrutiny Committee expressed disappointment that the report of the Planning Policy Working Group had not been seen by this Committee prior to the election and that Minute 76 has not been actioned

(Proposed by the Chairman and seconded by Cllr Mrs H Bainbridge)

b) the above recommendation be passed to Council for consideration.

(Proposed by the Chairman)

((b) Vote 5 for 4 against – Chairman’s Casting Vote)

(ii) Minute 176 remove the word “Renovation” and replace with “Innovation”

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



## 6 DECISIONS OF THE CABINET

The Committee **NOTED** that none of the decisions made by the Cabinet on 4 June 2015 had been called in.

## 7 CHAIRMAN'S ANNOUNCEMENTS (00-15-00)

The Chairman had the following announcements to make:

a) He commended the work of the previous Scrutiny Committee chaired by Cllr Mrs J Roach.

b) He apologised for not being able to attend the scrutiny training that had taken place the previous week, but he noted that comprehensive notes had been circulated to all members of the Committee.

c) He stated that Members of the Committee had undergone a major public consultation during their election campaigns and therefore asked that themes that had been identified be noted on "post its" so that the issues could be collated and possibly followed up by the Committee.

## 8 START TIME OF MEETINGS (00-19-24)

Discussion took place regarding the start time for meetings for the following year.

**RESOLVED** that meetings of the Scrutiny Committee be held at 2.00pm on Monday's for the remainder of the municipal year.

(Proposed Cllr Mrs N Woollatt and seconded by Cllr Mrs J Roach).

## 9 LEADERS ANNUAL REPORT (00-21-17)

In accordance with the Constitution the Committee had before it a report \* from the Leader of the Council outlining the Council's achievements over the past 12 months and the priorities for the coming year.

Discussion and questioning took place under each of the headings in the report:

### Customer Services

- The new website and the amount of savings that would be made through the digital transformation programme; the savings to date in respect of clean mail had been £20k, continued work with all services would lead to further savings on paper, printing and postage. Part of the digital project included Members working with tablets.

### ICT

- Digital Transformation and what it means for the Council in terms of facilities available: text messaging alerts, the upgrade of the Uniform planning system, mobile working and savings in paper and postage were identified. Each service was considering how they could work more digitally.

- The issue of claiming expenses on line was raised, it was reported that there were compatibility issues between citrix and the payroll system and therefore the current system would have to be used for the foreseeable future.

### Environment

- Overnight car parking charges and the knock on effect of on street parking which was causing problems for residents: the Car Parking Working Group were looking into such issues and would make recommendation to the Managing the Environment Policy Development Group. It was reported that strict enforcement was taking place, the signage in the car parks had been improved and feedback from local residents via their local Members was encouraged.

### Finance

- How Members would be involved in plans to reduce the budget as they may have some suggestions that would be helpful. Members were informed that an away day had been scheduled for 24 July 2015 where the Corporate Plan and budget issues would be discussed. At the present time staff were being consulted on the Corporate Plan priorities and this information would be available to Members on 24 July for consideration. The Head of Finance also stated that he would provide briefings as discussions progressed with regard to preparing the budget for 2016/17.

### Leisure

- It was reported that there were capacity issues at Exe Valley Leisure Centre which were being addressed.

### Community Development

- How was the authority empowering the people of the district using community development as a tool: it was reported that there was a direct relationship with the Town Teams and business groups, grant support was given to local organisations, with the Grants and Funding Officer working with many organisations to source external grant funding. It was proposed that the website be used to signpost organisations to external funding sources. Those organisations who received grant funding from the local authority were expected to attend the Community Well-Being Policy Development Group to make a presentation on the work of their organisation so that outcomes of the funding could be identified. The issue of the shopmobility service in Tiverton being closed over the Christmas period was raised and that shoppers were looking to use their facilities.

### HR

- The details of the WRAP programme were explained.

### Housing

- Concern was raised with regard to the types of housing being built and that there was a need to put in place housing for the older generation. It was reported that 25% of properties being built were built to a lifetime standard.

### Property

- The purchase of Market Walk which was already raising income and negotiations were taking place with regard to the Multi-Storey Car Park and a Premier Inn.

### Planning

- Local transport issues and the possible funding by developers.
- Staff shortages in the Planning Department.
- Timescales following decisions being made by the Planning Committee and the any action to be taken.
- The delay in the review of the Article 4 Direction in Cullompton
- The new Government Initiative (out to consultation) of selling affordable housing and the effect of this on the building programme for affordable homes.
- The effect of new housing developments on local school capacity.

The Leader was thanked for his attendance at the meeting.

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

## 10 **CABINET MEMBER FOR ENVIRONMENT (1-03-17)**

The Committee had before it a position statement \* from the Cabinet Member for the Environment summarising the key issues in each of the areas within his portfolio.

Discussion took place regarding the following areas:

- Street cleaning and the possible use of route optimisation; concerns were raised following the problems that had arisen when the system had been used for waste collection.
- Educating children with regard to littering and litter picking schemes taking place in towns and parishes.
- Dog fouling and the need for enforcement to take place and that this be publicised. The use of the "Paint it Pink" scheme which could be reintroduced across the district.
- Grounds maintenance issues being passed to Town and Parish Councils
- The need to invest in grounds maintenance to improve the appearance of the local towns and whether any underspend from the Economic Regeneration budget could be used.
- The involvement of Members in any consideration regarding amenity car parks.
- A report to the next meeting of the Committee identifying improvements that would be made to areas covered under the environment umbrella. **(Note: update - a report regarding this matter will initially go to the Managing the Environment Policy Development Group)**

The Cabinet Member for the Environment was thanked for his attendance.

Note: \* Position statement previously circulated; copy attached to the Minutes.

#### 11 **LEGAL SERVICES SIX MONTHLY UPDATE (1-32-07)**

The Committee had before it and **NOTED** a paper \* from the Head of Communities and Governance updating the Group on the Legal Service, following the report to this Committee in April 2014 when it was agreed that an interim progress report be brought to the Committee in September 2014 with a six monthly update.

Discussion took place regarding:

- Digital transformation within the service.
- Officers having the tools to do the job

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

#### 12 **STAFF SURVEYS (1-42-26)**

Cllr Mrs J Roach had requested that the Committee discuss staff surveys.

The Chairman invited Cllr Mrs Roach to address the Committee. She highlighted the Good Scrutiny Awards 2013\* which highlighted the work of Maldon District Council with regard to the staff survey process and her concerns about the current economic climate and its impact on staff.

The Head of HR and Development reported that a staff survey was being progressed and that it would be available to officers by the end of the month.

Discussion followed with regard to:

- How to identify which members of staff were under stress if the survey was anonymous.
- The use of the staff appraisal system.
- The confidence of officers to come forward and report issues.
- The possible involvement of the Scrutiny Committee

It was therefore:

**RESOLVED** that the outcomes of the staff survey be reported to the Scrutiny Committee.

(Proposed by Cllr Mrs J Roach and seconded by Cllr Mrs N Woollatt)

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

#### 13 **POLITICAL BALANCE OF COMMITTEES (1-54-21)**

Cllr Mrs J Roach had asked that the Committee consider whether the swapping of seats, Conservative to Independent and visa versa was allowed under the political balance regulations.

Cllr Mrs Roach introduced the item stating that the allocation was agreed by Council at its Annual meeting on 20 May 2015, since then Group Leaders had chosen to swap committee seats on Scrutiny and Managing the Environment Policy Development Group which was not in line with what was agreed at Council. She outlined the contents of the Widdicombe Report 1986 which had highlighted the need for political balance and that if the seats in question had remained vacant, the Council may make such appointment as it sees fit. She felt that the Council were acting illegally by the actions that had taken place.

It was further reported that Local Government Association, Independent Group also stated that the allocation of seats and committees should be apportioned in line with the political allocation.

The Monitoring Officer reported that she had discussed the issue with Legal Services and stated that she did not believe that the Council had acted illegally or unconstitutionally, she felt that the gifting of seats did not change the overall political allocation. She highlighted part of Minute 10 of the Council Meeting 20 May 2015:

“(d) that the Chief Executive be authorised to make changes to membership of Committees, Working Groups and other Internal Bodies as may be notified to him from time to time by the relevant Political Group to which those seats have been allocated by the Council”.

She also highlighted the political rules as defined in the Local Government and Housing Act 1989 and how the law could be interpreted in different ways.

The Chairman stated that consideration of the above issues take place at the next Annual Council Meeting.

**14 MEMBERSHIP OF THE JOINT EAST AND MID DEVON CRIME AND DISORDER SCRUTINY PANEL FOR THE FOLLOWING MUNICIPAL YEAR. (2-07-00)**

Consideration was given to the appointment of three Members to the East and Mid Devon Crime and Disorder Scrutiny Panel for the municipal year.

**RESOLVED** that: Cllrs T G Hughes, Mrs N Woollatt and F J Rosamond (as Scrutiny Chair) become the representatives from Mid Devon District Council on the Joint Scrutiny Panel and that Councillor B A Moore be the substitute.

**15 UPDATES AND ITEMS TO NOTE REGARDING OUTSTANDING ITEMS (2-10-00)**

The Head of Communities and Governance gave a six monthly update on whistle blowing scheme: she informed the Committee that there had been no cases in 2014/15 but that two issues had been raised with her in the current financial year which she was addressing.

**16 IDENTIFICATION OF ITEMS FOR THE NEXT MEETING (2-11-24)**

The following items were identified for the following meeting:

- Report of the Cabinet Member for Community Well Being
- Performance and Risk
- Scrutiny Work Programme

The following items were highlighted as possible areas of interest for the future:-

- CCG Plans for Crediton Hospital
- Delay in actions following decisions of the Planning Committee.

(The meeting ended at 4.30 pm)

**CHAIRMAN**

## MID DEVON DISTRICT COUNCIL

**MINUTES** of a **MEETING** of the **AUDIT COMMITTEE** held on 23 June 2015 at 6.00 pm

### **Present**

**Councillors** Mrs J B Binks, Mrs C Collis, R M Deed,  
R Evans, F Letch and R F Radford

### **Also Present Officer**

Andrew Jarrett (Head of Finance), Amy Tregellas (Head of Communities and Governance and Monitoring Officer), Catherine Yandle (Internal Audit Team Leader) and Sarah Lees (Member Services Officer)

### **Also in**

**Attendance** G Daly and S Johnson (Grant Thornton)

#### 1. **ELECTION OF CHAIRMAN FOR 2015/16**

**RESOLVED** that Cllr R Evans be elected Chairman of the Audit Committee for the municipal year 2015/16.

(Proposed by Cllr R F Radford and seconded by Cllr Mrs C Collis)

#### 2. **ELECTION OF VICE- CHAIRMAN FOR 2015/16**

As not all Members of the Committee were present it was **AGREED** to place this item on the agenda for the next meeting.

#### 3. **APOLOGIES**

There were no apologies for absence.

#### 4. **PUBLIC QUESTION TIME**

There were no members of the public present.

#### 5. **CHAIRMAN'S ANNOUNCEMENTS (00:03:30)**

The Chairman had the following announcements to make:

- He was pleased that the size of the Committee had increased from 5 to 7 Members following the election in May as there had been occasions in the past when the Committee had been close to being inquorate.
- He informed the new Members that it was within their power as a Committee to hold to account any Heads of Service or the Chief Executive if there was something within an internal audit report that caused them concern, even if this involved holding a Special Meeting as had happened in the past.

## 6. MINUTES OF THE PREVIOUS MEETING (00:04:30)

The Minutes of the previous meeting held on 24 March 2015 were approved as a true and accurate record and **SIGNED** by the Chairman.

## 7. PERFORMANCE AND RISK OUTTURN REPORT FOR 2014-15 (00:05:40)

The Committee had before it, and **NOTED**, 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 2014/15 as well as providing an update on any key business risks.

For the benefit of new Members to the Committee it was explained that the performance report was split into Portfolio Holder areas. The rationale between the risk matrix was also explained.

Discussion took place regarding:

- Figures in relation to residual household waste per head - the target that had been set for the year was 455.0kg per head, the actual figure for the end of the year had been 462.6kg per head meaning that more residual waste had been collected per person than the target. However, this was compared to 482.3 kg per head in the previous year, therefore the figures were moving in the right direction and it was felt that in hindsight the target may have been a little ambitious.
- The percentage of food premises inspections that should have been carried out for high risk premises was way below target. It was explained that this was due to an ongoing illegal meat case that had taken significant resources away from the food inspection programme. Recruitment was under way to appoint an Environmental Health officer to this area to alleviate some of the strain. Nevertheless it was felt that lack of resource in this area was alarming. Concern was expressed that one case was taking up so much time leaving the Council in a vulnerable position. Risks in this area could potentially have a significant impact. The Chairman stated that he would write to the relevant Cabinet Member and Head of Service outlining the concerns of the Committee.
- Working days lost to sickness absence – concern was expressed by the Committee that the figures quoted were twice the national average and were above the figure for last year. It was explained that out of a total of 4169 days lost, 2193 of those were attributable to long term absence. Again, the Chairman stated that he would write to the relevant Cabinet Member and Head of Service to pass on the Committees concerns.

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

## 8. INTERNAL AUDIT OUTTURN REPORT FOR 2014/15 (00:27:45)

The Committee had before it, and **NOTED**, a report \* from the Audit Team Leader updating the Committee on the work performed by Internal Audit during the 2014/15 financial year as required by the Public Sector Internal Audit Standards.

Discussion took place regarding:



- The internal audit report regarding the Lords Meadow leisure centre had identified a weakness in terms of till and cashing up procedures, for example, till sessions where one user logs in and other members of staff use the same till without starting a new session. The Committee questioned whether it was practical for each user to have to log in and log out every time? It was explained that different leisure centres operated differently depending upon staffing but that CCTV was in place to monitor activity around the till areas.
- The Head of Business Information Systems regularly provided awareness training in the area of Data Protection and information security was constantly being promoted.
- Generally there had been an overall improvement and action had been taken in all the areas that had received a 'poorly controlled' opinion.

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

## 9. INTERNAL AUDIT REPORTS (00:42:20)

There were no further comments made by the Committee in relation to internal audit reports other than those made under the previous item.

In relation to the Main Accounting audit, the external auditors stated that the Government had brought forward the deadline for external auditors to have completed public sector audits to 31 July from 2017/18 onwards. This had created a significant amount of work for external auditors nationally in terms of planning work in order to meet this statutory deadline.

## 10. ANNUAL GOVERNANCE STATEMENT (00:45:37)

The Committee had before it a report \* from the Head of Communities and Governance presenting it with the Annual Governance Statement for 2014/15 and accompanying action plan. It was stated that this document provided detailed comments on the Council's control environment and was presented to the Committee annually along with the financial accounts.

**RESOLVED** that the Annual Governance Statement be approved and signed by the Leader of the Council and the Chief Executive as per the statutory guidance.

(Proposed the Chairman)

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

## 11. ANNUAL REPORT AND ACCOUNTS 2014/2015 (00:51:35)

The Committee had before it a report \* from the Head of Finance presenting the annual report and accounts to Members. It was explained that the Council was still heading towards 4 more years of austerity with continued likely reductions in formula grant. The Government would be releasing an emergency budget on 8 July, however, it would be unlikely to contain much detail as to how local authority budgets would be affected.

Other key highlights within the report related to the following areas:

- The General Fund balance had closed at £2.38m and the HRA at circa £2m.
- High capital spend during 2014/15 had been due to essential and long term maintenance of the Council's housing stock. It had also been due to building more Council houses, 22 at Wellparks, Crediton, 14 houses being brought back into use at St Andrews Street and 6 new houses at Fir Close in Willand.
- Regarding the Collection Fund, it had been a good year for Council Tax collection and Business Rates.
- Regarding investments there would be a need to look at other options in the coming year, for example, commercial property funds.
- A fifteenth dividend would be returned regarding the Heritable Bank investment meaning, in the worst case scenario, £22k would have been lost out of the £1.1m original investment.
- A detailed breakdown was provided showing transfers to and from ear marked reserves.

Discussion took place regarding;

- Figures in relation to redundancies - it was explained that the redundancies during 2014/15 had related to exceptional circumstances and an attempt to reduce long term salary costs. It was confirmed that the individuals concerned had not retired but had been made redundant. A performance management system was in place to identify and deal with issues of poor performance.
- The question was asked as to where within the 2014/15 'Savings and Additional Costs' table at section 2.1 were the waste and recycling costs relating to the route optimisation project? The Head of Finance (HoF) explained that these were split between the figures shown for the relocation of recycling service to Tiverton, the one-off vehicle & equipment purchases, additional spend on vehicle hire and repairs.
- The long term borrowing situation – it was explained that there was a concept known as the 'liquidity of the ratio being 2:1', meaning assets should total twice as much as the long term borrowing amount. The HoF explained that the Council was well within this ratio.
- The pension liability – there would be a need to see this as a long term deficit reduction. It may be necessary to increase contributions from both the employer and employees. It was also hoped that any up-turn in the economy would have a positive impact on the deficit.
- What seemed like a high valuation by the District Valuer of Market Square in Crediton.
- Why the new street sweeper had not been seen in Crediton. The HoF said he would ask the Waste and Transport Manager to contact the Ward Member.

It was **AGREED** that note 14 within the accounts should be amended to read 'Grant Thornton' and not the 'Audit Commission'.

**RESOLVED** that the draft annual report and accounts be approved.

(Proposed by the Chairman)

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

12. **UPDATE FROM THE EXTERNAL AUDITORS (02: 05:43)**

The Committee had before it, and **NOTED**, a \* report from the external auditors, Grant Thornton. This provided the Committee with a summary of the progress made in delivering their responsibilities as the Council's external auditors. Their audit work had started in January 2015 and their opinion on the accounts was due to be delivered on 28 July 2015, at the next Audit Committee. They would also be delivering a Value for Money conclusion. Two other areas of work they would be undertaking related to certifying the 'Whole of Government' accounts which they aim to have completed by September 2015 and the 'Grants and Claims Certification'.

Several separate documents were highlighted within the report including Grant Thornton's 'Local Government Governance Review 2015' and 'Developing Local Authority Trading Companies'.

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

13. **START TIME OF MEETINGS (02:19:35)**

It was **AGREED** to hold Audit Committee meetings at 5.30pm for the remainder of the municipal year.

(The meeting ended at 8.20 pm)

**CHAIRMAN**

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## MID DEVON DISTRICT COUNCIL

### MINUTES of a MEETING of the MANAGING THE ENVIRONMENT POLICY DEVELOPMENT GROUP held on 9 June 2015 at 2.00 pm

#### Present

##### Councillors

R F Radford (Chairman)  
Mrs R Berry, D R Coren, Mrs C P Daw,  
R Evans, Mrs E J Slade, J D Squire,  
Mrs N Woollatt and R Wright

#### Also Present

##### Councillor(s)

C J Eginton, Mrs J Roach and Mrs M E Squires

#### Also Present

##### Officer(s):

Andrew Jarrett (Head of Finance), Simon Newcombe (Public Health and Professional Services Manager), Stuart Noyce (Waste and Transport Manager), Julia Stuckey (Member Services Officer) and Lyn Wright (Accountant)

#### 1 ELECTION OF CHAIRMAN (CLLR W J DAW, CHAIRMAN OF THE COUNCIL, IN THE CHAIR)

**RESOLVED** that Cllr R F Radford be elected Chairman of the Group for the municipal year 2015/16.

Cllr Radford then took the Chair.

#### 2 ELECTION OF VICE CHAIRMAN

**RESOLVED** that Cllr D R Coren be elected Vice Chairman of the Group for the municipal year 2015/16.

#### 3 APOLOGIES AND SUBSTITUTE MEMBERS

There were no apologies.

#### 4 PUBLIC QUESTION TIME

There were no members of the public present.

#### 5 MINUTES OF THE PREVIOUS MEETING

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

#### 6 CHAIRMANS ANNOUNCEMENTS

The Chairman had no announcements to make.

## 7 WASTE AND RECYCLING SCHEME

The Group had before it a report \* from the Head of Finance regarding the new Refuse and Recycling Collection Scheme which was being implemented in two phases during 2015.

The report provided an update on the plans for the roll out as well as the budget.

The Head of Finance explained that the roll out for the first part of the changes had started and that almost 10,000 boxes for the collection of cardboard had been delivered. The first stage involved the addition to the existing collection service of mixed plastics and cardboard. The number of phone calls received by Customer Services had been low which indicated that the communication leaflets had been successful. He explained that the service changes had been necessary in order to enhance the collection service for the customer and to make savings. It was anticipated that the new scheme would bring savings of 20% to the Waste budget.

The Waste and Transport Manager explained that the project team were now working on phase two. This part of the scheme involved the weekly collection of food waste from a caddy and a chargeable service for the collection of garden waste.

Discussion took place regarding:

- The green boxes could be stacked and cardboard could be collected damp so a lid was not being supplied;
- Devon County Council were the waste disposal authority, so they held the contract for where the food waste and garden waste would be processed. The food waste and garden waste would continue to go to the In-Vessel Composter at Broadpath Landfill Site until March 2017 when the contract notice period would be complete;
- The risk that fly-tipping would increase when charges for garden waste were introduced. The Waste and Transport Manager informed the group that this had not been the case in other authorities where a charge had been implemented but would be monitored;
- The amount that customers would be charged had been set at an amount that was lower than the cost of running the service with the anticipated participation rate;
- That a customer could transfer their bin within the District if they moved house but there would be no refunds;
- The sale of sacks for those that could not accommodate a bin, or did not require a regular service.

It was **RECOMMENDED** to the Cabinet that:

- a. The annual charge for fortnightly collections of Garden Waste from a 240L bin be set at £47.00.

(Proposed by Cllr R Evans and seconded by Cllr J D Squire)

- b. The annual charge for fortnightly collections of Garden Waste from a 140L bin be set at £35.00.

(Proposed by Cllr R Evans and seconded by Cllr Mrs E J Slade)

- c. The charge for sacks be set at £13.00 for a roll of 10.

(Proposed by Cllr J D Squire and seconded by Cllr Mrs R Berry)

- d. Subject to the change of wording from 'purchase' to 'subscribe' in 3.4, and clarification regarding where sacks could be purchased from, the Terms and Conditions set out in Appendix B be adopted

(Proposed by Cllr Mrs N Woollatt and seconded by Cllr R Evans)

Cllr R Wright requested that his vote against charging be recorded.

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

## 8 **PERFORMANCE AND RISK REPORT FOR THE FINAL QUARTER OF 2014/15**

The Group had before it and **NOTED** a report\* of the Head of Communities and Governance providing Members with an update on performance against the Corporate Plan and local service targets for the 2014/15 financial year as well as providing an update on the key business risks.

Discussion took place regarding missed collections which had been high during quarter one when the route optimisation project took place but had subsequently returned to normal levels.

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

## 9 **SKY LANTERNS**

Councillor Mrs N Woollatt had requested that following approval of her motion number 515 at Council on 29 April 2015 the Group further consider the implementation of bylaws.

The Public Health Manager explained that if a new bylaw was to be implemented it would need to be inserted within the existing bylaws. The Department for Communities and Local Government (DCLG) had implied that if this were to be the case the existing bylaw would have to be updated. He also explained that evidence would need to be provided to show that there was a specific local problem with sky lanterns.

Discussion took place regarding:

- The lack of evidence to suggest that there was a problem within Mid Devon;

- How a bylaw would be enforced and the cost involved with this;
- The cost of implementing the bylaw by replacing signage within parks and open spaces;
- The cost of officer time to re-write the bylaws;
- The fact that the bylaw would only be for Council owned land and the difficulties in proving where the lantern was released from.

It was **RESOLVED** that:

A press release be issued, in time for the summer festival period, to promote awareness of the problems caused by sky lanterns.

(Proposed by Cllr N Woollatt and seconded by Cllr R Wright)

## 10 **FINANCIAL OUTTURN REPORT 2014-15**

The Group had before it a report of the Head of Finance presenting the revenue and capital outturn figures for the financial year 2014/15.

The Officer outlined the report, highlighting the overall overspend of £90K. He informed Members that this overspend included the one off relocation of the recycling services and redundancy costs.

Areas reporting to this PDG included car parks which had ended under budget due to some planned maintenance of amenity car parks not taking place. These works would be done in the coming year.

Waste was over budget due to problems earlier in the financial year with the route optimisation project and maintenance of the aged fleet. These problems had been resolved and new vehicles were now in use and in addition included the transfer of recycling to its new Tiverton depot.

The Head of Finance concluded that he considered the end of year results showed a healthy position but with this came a warning that there were likely to be further budget cuts over the next three to four years.

The Group **RESOLVED** to offer congratulations to the Council Tax Service for the rates they had achieved.

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

## 11 **MEMBERSHIP OF THE CAR PARKING WORKING GROUP**

A Working Group regarding Car Parking had been formed in the previous municipal year but had not completed its task. It was therefore necessary to agree a new membership to this Group.

It was **RESOLVED** that the Car Parking Working Group consist of Councillors J D Squire, R Wright, Mrs R Berry and Mrs C Daw.



12 **START TIME OF MEETINGS**

It was **AGREED** that the Group continue to meet at 2.00pm.

13 **IDENTIFICATION OF ITEMS FOR THE NEXT MEETING**

Performance and Risk  
Financial Monitoring  
Corporate Asbestos Policy  
Planning for Waste Storage  
Crediton Air Quality Monitoring

(The meeting ended at 4.00 pm)

**CHAIRMAN**

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## MID DEVON DISTRICT COUNCIL

### MINUTES of a MEETING of the DECENT AND AFFORDABLE HOMES POLICY DEVELOPMENT GROUP held on 16 June 2015 at 2.15 pm

#### Present

**Councillors** Mrs E M Andrews, Mrs G Doe, R Dolley, R Evans, P J Heal, J D Squire, L Taylor and R F Radford

#### Apologies

**Councillor(s)** Mrs H Bainbridge and W J Daw

#### Also Present

**Councillor(s)** C J Eginton and Mrs J Roach

#### Also Present

**Officer(s):** Andrew Jarrett (Head of Finance), Clare Fry (Housing Services Manager), Catherine Yandle (Internal Audit Team Leader), Mark Baglow (Repairs Manager), Helen Carty (Housing Policy Officer) and Sarah Lees (Member Services Officer)

#### 1 CHAIRMAN - ELECTION (CLLR T G HUGHES, VICE CHAIRMAN OF THE COUNCIL, IN THE CHAIR)

**RESOLVED** that Cllr P J Heal be elected Chairman of the Group for the municipal year 2015/16.

Cllr P J Heal then took the Chair.

#### 2 VICE-CHAIRMAN - ELECTION

**RESOLVED** that Cllr W J Daw (in his absence) be elected Vice Chairman of the Group for the municipal year 2015/16.

#### 3 APOLOGIES AND SUBSTITUTE MEMBERS

Apologies were received from Cllr Mrs H Bainbridge and W J Daw (who was substituted by Cllr R F Radford).

#### 4 PUBLIC QUESTION TIME (00:05:15)

There were no members of the public present.

#### 5 MINUTES (00:05:25)

The Minutes of the meeting held on 17 March 2015 were approved as a correct record and **SIGNED** by the Chairman.

## 6 CHAIRMAN'S ANNOUNCEMENTS (00:06:35)

The Chairman had the following announcements to make:

- a) He welcomed the new Members to the Group.
- b) He reassured new Members that the agendas for their meetings were not usually this long. It was unfortunate that such a large number of policies had come together for approval at the same time.

## 7 MEETING MANAGEMENT (00:07:00)

The Chairman stated that there would be a re-ordering of the items on the agenda so that items 17, 16, 12 and 15 would be brought forward and dealt with in that order. All remaining items would be dealt with after that.

## 8 TRANSFER OF RESIDENTIAL CARE HOMES TO MDDC - VERBAL UPDATE (00:08:18)

The Head of Housing and Property Services had not been able to attend the meeting but through the Chairman had provided an update regarding the two Council approved Motions from Cllr Mrs Roach. These Motions had been as follows:

1. That the Council considers and investigates the possibility of applying to the Secretary of State to transfer Charlton Lodge to Mid Devon District Council (Localism Act Sect 15) to enable Mid Devon District Council to provide a scheme similar to the Abundant Life Project run at Dartington.

Resolution: Council recommended to support the Motion.

2. That the Council resolves to investigate the possibility of acquiring Charlton Lodge, Orchards :Lea and Bampton residential homes in order to meet unmet housing needs in the district

Resolution: Worthy of further investigation.

The Head of Housing and Property Services (HoHPS) had contacted Mathew Jones, Strategic Property Manager, at Devon County Council advising him of the Council Motions and asked for information as detailed below. Mr Jones had advised that he would respond during the following week.

The HoHPS informed Mr Jones that he was currently looking at carrying out a piece of work to consider the ideas contained within the Motions and would be grateful if he could provide him with some information or point him in the right direction. The following questions were asked:

1. Constitution Part 5 Democracy in Devon identifies that Strategic Heads / Heads of Service should seek to identify property that will become surplus to requirement. Therefore does DCC have any plans for these schemes? Have you a strategy to sell them or redevelop them in some way? Are you able to share these plans with me?
2. Do you have disposal values for these properties and are you able to share these with me? Would DCC be in a position to transfer these properties to say

MDDC or the community at less than this value or would they be subject to market valuations or perhaps a long leasehold at a peppercorn rent?

3. Depending on the answer to 1). do you have any existing floor layouts that I can have a copy of to aid consideration as to whether or not they are capable of some sort of conversion?
4. I am aware that these assets are not included on Mid Devon's Assets of Community Value – are you aware of any other Devon Local Authorities that have nominated them for inclusion onto the register?

Cllr Mrs Roach, who was in attendance, was asked to comment on this item. She stated that it was unfortunate that a question she had asked in February regarding whether it was legally possible for the Council to apply for a transfer of assets, still remained unanswered. She also queried what the actual unmet housing need was within the district. The Chairman responded by saying that it was unfortunate that the HoHPS and the Cabinet Member for Housing had not been able to attend the meeting today due to urgent business in London. However, he would personally contact the HoHPS to feed back the comments made today and would ask him to bring a report to the next meeting which would hopefully contain a detailed response from DCC.

## 9 **PERFORMANCE AND RISK OUTTURN REPORT FOR 2014/15 (00:16:05)**

The Group had before it, and **NOTED**, 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 2014/15 as well as providing an update on the key business risks.

It was explained that targets in relation to the first two indicators regarding bringing empty homes back into use and the number of affordable homes delivered, were outside the District Council's direct control. Rent collection was well below target but in the highest benchmarking quartile and 100% of homes had achieved the Decent Home Standard as at 31 March 2015.

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

## 10 **COMPENSATION POLICY (00:20:45)**

The Group had before it a report \* from the Head of Housing and Property Services advising Members of the new Compensation Policy.

The Building Services Manager introduced himself and outlined the contents of the report. There were some statutory obligations upon the Council such as the 'right to repairs' which had to be completed within certain timescales. In the recent past there had been claims for damage to property in sheds. However, it was explained that these structures had not been designed for storing modern day items, having originally been built for the storage of coal for example.

Discussion took place regarding:

- Solar panels and who the liability lay with if there was damage, It was explained that if the damage was as a result of the panel fitting then the liability would lay with the supplier but if the roof upon which the panels were installed needed repair then the Council would fund this.
- The need for tenants to report all instances of damage to the Council.
- The Council was entitled to make a claim against a tenant if, for example, they put a wall up or took a conservatory down without the Council's knowledge.

**RECOMMENDED** to the Cabinet that the adoption of the Compensation Policy be recommended to Council.

(Proposed by Cllr R Evans and seconded by Cllr R F Radford)

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

## 11 **REVENUE AND CAPITAL OUTTURN 2014/15 (00:29:28)**

The Group had before it, and **NOTED**, a report \* from the Head of Finance presenting the revenue and capital outturn figures for the financial year 2014/15. This report had been received and discussed by the Cabinet at its meeting on 4 June 2015.

The Head of Finance and Principal Accountant summarised the sections of the report which specifically related to the services which fell under the remit of this Group. These included the following:

- The General Fund had finished the financial year in a strong position. There had been an overspend of £97k but this had mainly related to redundancy costs. Had these not been incurred the Council would have ended up with a £160k surplus. The Council had also been able to add to the earmarked reserves.
- The emergency budget (due on 8 July 2015) and autumn statement from central government was likely to bring further financial pain to all local authorities.
- The Housing Revenue Account (HRA) had finished the year with a £125k surplus. The Council had managed to reduce its bad debt provision having been able to recover monies through the Deposit and Rent Scheme. There had also been an underspend on salaries in the Housing Service.
- It was confirmed that funding provided by DCC for a Homelessness Officer would continue for the foreseeable future.
- The main variances within the HRA outturn summary included:
  - £784k major works expenditure funded by earmarked reserves
  - A saving of £56K due to the cessation of the warden's service
  - £182k income from solar panels

A brief discussion took place regarding the income from solar panels on Council properties and the fact that on a sunny day a tenant could be using appliances within their home without incurring any charge whilst the Council also benefitted in reduced energy tariffs.

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

## 12 **HOUSING SERVICE ANTI-SOCIAL BEHAVIOUR POLICY & PROCEDURES (00:42:10)**

The Group had before it a report \* from the Housing Services Manager setting out the revised anti-social behaviour (ASB) policy and procedures. Having introduced herself and having listed the areas of the Housing Service which fell under her remit she outlined the contents of the report. She emphasised the fact that the Housing Service was regulated by the Homes and Communities Agency which requires registered providers of social housing to have in place policies setting out how they will tackle anti-social behaviour. She also stated that having policies is important so that everybody knows where they stand and to provide transparency. In addition to this, she said that housing complaints were investigated by the Housing Ombudsman Service and that their starting point was to always ask for a copy of the Council's policy on the area being complained about.

Discussion took place regarding:

- The options open to the Council and tenants in the treatment of noise nuisance. It was explained that the Housing Service could not work in isolation but needed to liaise closely with Environmental Health. Noise monitoring equipment could be deployed but a regular pattern of disturbance needed to be detected first.
- Neighbours talking to each other was strongly encouraged as a means of coming to an agreement.
- Out of hours telephone calls were logged. In addition, all incidents are recorded on an incident management system and followed up wherever possible. This system could detect a trend in particular issues.
- A pragmatic approach needed to be employed wherever possible such as with smells from barbecues.
- Housing Officers offered mediation as a way forward where there is low level nuisance or a neighbour dispute.
- There were data protection processes in place. The Council had to have the express permission of a complainant before forwarding information to Ward Members.

**RECOMMENDED** to the Cabinet that the revised Housing Services anti-social behaviour policy and procedures be approved.

(Proposed by Cllr Mrs E M Andrews and seconded by Cllr R Evans)

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

## 13 **HOUSING SERVICE HARASSMENT POLICY 01:02:45)**

The Group had before it a report \* from the Housing Services Manager regarding the need for the Housing Service to have a policy and procedural commitment to the prevention and management of racial and other harassment. She explained that having a policy made it clear to tenants that they would be seriously listened to should they feel they were suffering harassment. The different types of harassment

were summarised and could include hate crime, racism, verbal abuse, physical abuse and damage to property.

**RECOMMENDED** to the Cabinet that the adoption of the new Harrassment Policy be recommended to Council.

(Proposed by Cllr Mrs E M Andrews and seconded by Cllr Mrs G Doe)

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

#### 14 **HOUSING SERVICE DOMESTIC ABUSE POLICY (01:07:09)**

The Group had before it a report \* from the Housing Services Manager regarding the need for the Housing Service to have in place policy and procedural commitments relating to domestic abuse. The policy not only provided clarity to tenants reporting domestic abuse but also to officers having to get involved in very stressful and upsetting situations.

A brief discussion took place regarding partnership working and how it is key to the work of the Housing Service when tackling domestic abuse issues. It was explained that victims needed to report the abuse in the first place and permission was needed before disclosure. Sometimes abuse victims may feel that they would not be listened to and previous research had shown that an abuse victim will often suffer many instances of abuse before reporting it. It was a sensitive issue and Officers take care to respond in an appropriate way to any reports of domestic abuse.

Sometimes referrals were received from the Police and on occasions it had been necessary to re-house people well away from the area. Above all, a pragmatic approach was needed whilst working in close partnership with other agencies.

**RECOMMENDED** to the Cabinet that the adoption of the new Domestic Abuse Policy be recommended to Council.

(Proposed by Cllr Mrs G Doe and seconded by Cllr R J Dolley)

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

#### 15 **HOUSING SERVICES HOARDING POLICY (01:13:43)**

The Group had before it a report \* from the Housing Services Manager explaining the need for a new policy for the Housing Service relating to hoarding.

It was explained that this can be a difficult area for the Housing Service to deal with. There was a programme of Tenancy Checks in place which helped to identify problems. However, sometimes there were mental health issues to consider as well as the fact that standards of tidiness differed from person to person. Serious cases could have health and safety implications. For example, there may be a fire hazard or issues relating to rodent infestations. In such cases sensitive handling was needed. Again, partnership working was essential and the policy gave housing officers a toolkit to work with.

Discussion took place regarding:



- Extreme cases and what could happen. It was explained that if there was a mental health issue and the person had a representative to act on their behalf then it could be argued that the tenant was not making themselves intentionally homeless. However, officers were trained to try and resolve issues before they escalated to this stage.
- Costs relating to rechargeable repairs and whose funding responsibility this was. It was explained that each case was different and that it depended on whether or not there was deliberate damage and/or mental health issues.

**RECOMMENDED** to the Cabinet that the adoption of the new Hoarding Policy be recommended to Council.

(Proposed by Cllr R J Dolley and seconded by Cllr Mrs E M Andrews)

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

## 16 **HOUSING SERVICES PETS AND ANIMALS POLICY (01:23:57)**

The Group had before it a report \* from the Housing Services Manager regarding the need to review the existing pets and animal policy. She explained that the policy had to be reviewed to take account of a number of instances that had occurred in recent years. She stated that Council houses represented an enormous asset to the Council and it was important to protect them from deterioration wherever possible. Problems relating to the keeping of animals could include, defecation, dog barking, cockrels crowing early in the morning to dangerous dogs. Reference had been made to the RSPCA guidance in the drawing up of the policy.

This was another area where sensitivity was needed as issues relating to animals could be very emotive. Issues had to be dealt with on a case by case basis.

Discussion took place regarding:

- Tenancy checks being crucial in identifying problems.
- The Council could not terminate tenancies themselves due to issues with pets and animals, a possession order would need to be sought through the court.
- There were no prescriptive answers, each request would be considered on its own merits, for example, a tenant may request to create a garden pond. However, it was explained that there was a clause in each tenancy agreement that a property be returned to the state in which it was originally occupied.

The Group wished for its thanks and congratulations to be passed on to the Housing Services Manager and the Housing Policy Officer for the way in which this and the other policies discussed today had been written in plain English and were easy to understand.

**RECOMMENDED** to the Cabinet that the revised pets and animal policy be adopted.

(Proposed by Cllr L Taylor and seconded by Cllr Mrs G Doe)

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

## 17 **TENANT INVOLVEMENT POLICY (01:37:23)**

The Group had before it a report \* from the Housing Services Manager regarding the need to review the existing Tenant Involvement Policy. It was explained that tenant involvement was a regulatory requirement. Tenants were actively encouraged to be involved in improving the service. They were at the heart of everything the Housing Service did, however, the biggest problem was apathy amongst the tenant population; often this reflected the fact that people were generally happy with the service. A survey had been conducted in the previous year which had produced a low response. Most tenants wanted to communicate electronically and there was now a very active Facebook page with daily debate.

It was further explained that the Council used a menu of involvement techniques including the ability to get involved in scrutiny activity, editing, a regular newsletter and becoming an estate representative. The Council would also cover the cost of sending some tenants on training courses and for printing expenses and travel costs.

**RECOMMENDED** to the Cabinet that the revised Tenant Involvement policy be adopted.

(Proposed by Cllr R Evans and seconded by Cllr R J Dolley)

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

## 18 **TENANT INVOLVEMENT STRATEGY (01:43:05)**

The Group had before it a report \* from the Housing Services Manager regarding the need to review the existing Tenant Involvement Strategy.

**RECOMMENDED** to the Cabinet that the revised Tenant Involvement Strategy be adopted.

(Proposed by Cllr Mrs E M Andrews and seconded by Cllr Mrs G Doe)

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

## 19 **START TIME OF MEETINGS (01:44:05)**

It was **AGREED** that the Group continue to meet on Tuesday's at 2.15pm.

## 20 **IDENTIFICATION OF ITEMS FOR THE NEXT MEETING (01:44:30)**

There were no further items identified for the next meeting other than those already listed in the work programme.

(The meeting ended at 4.00 pm)

**CHAIRMAN**

## MID DEVON DISTRICT COUNCIL

### MINUTES of a MEETING of the COMMUNITY WELL BEING POLICY DEVELOPMENT GROUP held on 30 June 2015 at 2.15 pm

#### Present

##### Councillors

Mrs B M Hull (Chairman)  
Mrs R Berry, Mrs J B Binks, R Dolley,  
F Letch, B A Moore, Mrs E J Slade,  
Miss C E L Slade and T W Snow

#### Apologies

##### Councillor(s)

Mrs E M Andrews and R M Deed

#### Also Present

##### Councillor(s)

C J Eginton, C R Slade and Mrs M E Squires

#### Also Present

##### Officer(s):

John Bodley-Scott (Community Development and Regeneration Manager), Rob Fish (Principal Accountant), Zoe Lentel (Communities and Governance Officer), Jill May (Head of HR and Development), Julia Ryder (Community Safety & Emergency Planning Officer), Julia Stuckey (Member Services Officer) and Catherine Yandle (Internal Audit Team Leader)

#### Also in

##### Attendance:

Mrs H Tyliczszak (CHAT), Mrs J Turner (CHAT) and Mrs K Nolan (INVOLVE)

### 1 ELECTION OF CHAIRMAN (VICE CHAIRMAN OF THE COUNCIL IN THE CHAIR)

**RESOLVED** that Cllr Mrs B M Hull be elected Chairman of the Group for the municipal year 2015/16.

Cllr Hull then took the Chair.

### 2 ELECTION OF VICE CHAIRMAN

**RESOLVED** that Councillor Mrs J B Binks be elected Vice Chairman of the Group for the municipal year 2015/16.

### 3 APOLOGIES AND SUBSTITUTE MEMBERS

Apologies were received from Councillor R M Deed who was substituted by Councillor R Dolley and from Councillor Mrs E M Andrews, who was substituted by Councillor T W Snow.

#### 4 **PUBLIC QUESTION TIME**

There were no questions raised from the members of the public present.

#### 5 **MINUTES OF THE PREVIOUS MEETING**

The minutes of the last meeting of the Group were not signed by the Chairman as those present had not attended the previous meeting.

Note: - The Chairman to consider the audio recording of the meeting held on 24 March 2015 and the issue be addressed at the next meeting of the Group on 18 August 2015.

#### 6 **CHAIRMANS ANNOUNCEMENTS**

The Chairman had no announcements to make.

#### 7 **START TIME OF MEETINGS**

It was **AGREED** that the Group continue to meet at 2.15pm.

#### 8 **MEETING MANAGEMENT**

The Chairman indicated that she intended to take item 9 on the agenda before item 8.

#### 9 **TAP FUND 2014/15 SUMMARY OF SPEND**

The Group had before it and **NOTED** a report\* of the Head of Communities and Governance providing Members with a summary of spends for the Town and Parish (TAP) Fund in 2014/15 and to inform them of any changes to criteria for 2015/16.

The Communities and Governance Officer outlined the contents of the report, explaining that 70 projects had been funded. The report included an application form and instructions and the Officer asked that Members promote the fund to their Parishes. The fund was being promoted in the Parish Matters newsletter and some new promotional material was being produced which the Officer would distribute to all Members.

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

#### 10 **GRANT FUNDED AGENCIES**

Representatives from the Churches Housing Action Team (CHAT) and INVOLVE (Voluntary Action in Mid Devon) attended the meeting to give presentations about their work.

The representative from INVOLVE, Mrs K Nolan, Chief Officer thanked the Group for the opportunity to update them on the work of INVOLVE. She informed them that she had been in post since the end of April.

Mrs Nolan explained that INVOLVE comprised of a small team, funded by Mid Devon District Council and Devon County Council, which supported groups and organisations from the not for profit sector as well as volunteers. She highlighted that in the last financial year 46 groups had received support, 184 workshops had been held, 241 new volunteers had registered and there were 59 new volunteer opportunities. She informed the Group that there had been an increased number of younger volunteers (under 25's); possibly due to the need to gain experience to help them gain employment.

INVOLVE also provided services such as printing and photocopying.

Mrs Nolan explained the challenges ahead with traditional funding sources shrinking, increased demands on groups, the increased demand for support and the difficulties in demonstrating direct value.

A new online support system for volunteers and organisations would be available from mid-July.

Mrs Nolan thanked the Group for their time.

The representatives from CHAT were Mrs H Tyliczszak and Mrs J Turner. Mrs Turner explained that CHAT had been running for 20 years, dealing with homelessness and homelessness issues in Mid Devon. She informed the Group that homelessness could occur for a number of reasons, including debt, family breakdown, unemployment, ill health, substance abuse and many others. Homelessness could include living in cars, tents, empty buildings and on other people's sofas.

The aim of CHAT was to prevent homelessness in Mid Devon. Housing was a particular issue here due to the high cost of housing, low wages, a shortage of affordable rental property and changes to the benefits system.

She explained that CHAT believed that everyone deserved to have a place to call home. It had been founded 20 years ago by members of the local churches and started as a deposit guarantee scheme. This progressed to offering housing advice and tenancy support to help people sustain tenancies.

CHAT currently employed 9 staff, all part time, including a new post for a debt and money advisor. CHAT was also supported by numerous volunteers. It now included a food bank, offered items from a 'set up home' store, provided fuel vouchers and could be used as a 'care-of' postal address. Annual expenditure was currently £200k per year, with a £5k contribution from Mid Devon.

Mrs Turner thanked the Councillors for the current funding provided and urged them to continue it in order to allow them to continue their good work.

The Chairman thanked all of the representatives for their presentations.

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

## 11 **PERFORMANCE AND RISK REPORT FOR THE FINAL QUARTER OF 2014/15 (1.10.08)**

The Group had before it a report of the Head of Communities and Governance providing Members with an update on performance against the Corporate Plan and local service targets for 2014/15 as well as providing an update on the key business risks.

The Audit Team Leader explained that all areas reporting to the Community Well Being PDG were performing above target except for food inspections. This area had been addressed and a vacancy was currently being advertised.

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

## 12 **REVENUE AND CAPITAL OUTTURN 2014/15 (1.15.36)**

The Group had before it a report\* of the Head of Finance presenting the revenue and capital outturn figures for the financial year 2014/15.

The Principal Accountant explained the General Fund summary. He highlighted that at the last meeting of this PDG the deficit had been predicted to be £203k but that the situation had improved by the year end and had finished at £90k. This would be taken from the General Fund reserve that had been reduced to £2.4m.

Discussion took place regarding:

- Services reporting to the Community Well Being PDG with variances since the last report included Leisure, Planning, Revenues and Benefits;
- An overspend at Lords Meadow Leisure Centre;
- The possibility that a key could be added to the report to make it easier for Members to understand.

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

## 13 **COMMUNITY SAFETY PARTNERSHIP PLAN 2015-2017 (1.37.13)**

The Group had before it a report \* from the Head of Housing and Property Services regarding the Community Safety Partnership (CSP) and the priority areas of work on the CSP Plan for 2015 to 2017.

The Community Safety Officer explained that there was a statutory obligation for local authorities to work in partnership with other agencies to reduce crime, disorder and anti-social behaviour. The partnership was obliged to produce a three year plan to outline how it would achieve this.

She explained that following analysis of data and feedback from members of the public the priorities for the next three years had been agreed as:

Domestic, family and sexual abuse;  
Substance misuse;

Anti-social behaviour;  
Online safety and scams;  
Crime prevention, including rural crime and Prevent (anti-extremism and radicalisation).

The Officer highlighted that a 'pop up shop' would be operating in Bampton Street Tiverton from 30<sup>th</sup> June to the 6<sup>th</sup> August, offering support regarding scams. The shop would be manned by various agencies and had been promoted in the local newspapers and on social media.

The Officer concluded that the CSP was committed to reducing crime, disorder and anti-social behaviour.

It was **RECOMMENDED** that:

The Cabinet approve the new priorities within the report and supports the CSP in delivering safety messages to the communities of Mid Devon.

#### 14 **IDENTIFICATION OF ITEMS FOR THE NEXT MEETING**

Performance and Risk  
Financial Monitoring  
Grant Recipient Presentation  
CCG Representative  
Leisure Update

(The meeting ended at 4.35 pm)

**CHAIRMAN**

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## MID DEVON DISTRICT COUNCIL

**MINUTES** of a **MEETING** of the **PLANNING COMMITTEE** held on 3 June 2015 at 2.15 pm

### **Present Councillors**

Mrs H Bainbridge, Mrs J B Binks, K Busch,  
Mrs C Collis, Mrs F J Colthorpe, R Dolley,  
J M Downes, S G Flaws, P J Heal,  
D J Knowles, R F Radford, J D Squire,  
R L Stanley and F Letch

### **Apologies Councillor**

J Smith

### **Also Present Councillor**

D R Coren

### **Present Officers:**

Jenny Clifford (Head of Planning and  
Regeneration), Sally Gabriel (Principal  
Member Services Officer), Simon Trafford  
(Area Planning Officer) and Daniel Rance

#### 1 **ELECTION OF CHAIRMAN (Chairman of the Council, Cllr W J Daw in the Chair)**

**RESOLVED** that Cllr Mrs F J Colthorpe be elected Chairman of the Committee for the municipal year 2015/16.

#### 2 **ELECTION OF VICE CHAIRMAN**

**RESOLVED** that Cllr D J Knowles be elected Vice Chairman of the Committee for the municipal year 2015/16

#### 3 **APOLOGIES AND SUBSTITUTE MEMBERS**

Apologies were received from Cllr J L Smith.

#### 4 **PUBLIC QUESTION TIME 00-06-15**

There were no questions from members of the public present.

#### 5 **MINUTES OF THE PREVIOUS MEETING (00-06-19)**

The Minutes of the meeting held on 22 April 2015 were approved as a correct record and **SIGNED** by the Chairman.

## 6 CHAIRMAN'S ANNOUNCEMENTS (00-08-20)

The Chairman requested that the Liberal Democrats Group nominate a representative to attend the Chairman's briefing that took place prior meetings of the Committee.

## 7 DEFERRALS FROM THE PLANS LIST (00-09-36)

There were no deferrals from the Plans List.

## 8 THE PLANS LIST (00-12-00)

The Committee considered the applications in the plans list \*.

Note: \*List previously circulated; copy attached to the signed Minutes.

(a) Applications dealt with without debate.

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

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

(i) No 8 on the Plans List (**15/00574/FULL – Erection of a single storey extension – Sheraton House, Kennerleigh**) be approved subject to conditions as recommended by the Head of Planning and Regeneration

(Proposed by the Chairman)

Note: Cllr Mrs J B Binks declared a Disclosable Pecuniary Interest in the application as the owner of the property and left the meeting whilst the decision took place.

(b) No 1 on the Plans List (**15/00071/FULL – Conversion of church hall (Use Class D2) into a dwellings (Use Class 3) with raised deck area and associated parking – Hall and Land at NGR 272174 101673, Bow**).

The Area Planning Officer outlined the contents of the report highlighting the site plan, the block plan which highlighted the side access, the existing and proposed elevations, the main access through the building and the proposed garden layout. Photographs were observed from various aspects of the site.

Consideration was given to the current usage of the building, the public consultation process, whether the building was a heritage asset, Policy DM25 and the possible loss of valued community facilities and services; the conservation area and the significance of the raised footway; the lack of parking facilities on the site for a community building, the fact that the building had not been maintained, the facilities available in the village, the lack of disabled facilities for a community building; Policy DM8 and whether there was a sufficient parking facility for a dwelling.

**RESOLVED** that the application be granted planning permission as recommended by the Head of Planning and Regeneration.

(Proposed by Cllr P H Heal and seconded by Cllr Mrs H Bainbridge)

Notes:

- i) Cllr Mrs J B Binks declared a personal interest and she had once lived in the village and made visits to the church, she had also represented Bow as a District Councillor in the past;
- ii) Cllr J D Squire declared a personal Interest as his wife was on the PCC and as a resident had used the church;
- iii) Mr Wyllie spoke in objection to the application;
- iv) Cllr J D Squire spoke as Ward Member;
- v) Cllr Mrs J B Binks requested that her abstention from voting be recorded.

(c) No 2 on the Plans *List (15/00330/FULL – Erection of 8 affordable dwellings with associated access, parking areas, drainage and landscaping – land at NGR 277031 93171 (Adjacent to Glenthorne), Cheriton Bishop).*

The Area Planning Officer outlined the contents of the report highlighting the application site, the road network and the visual relationship with Dartmoor National Park. Members considered the landscaping plan, the detail of the type and size of the proposed dwellings, the foul water plant, the proposed elevations and the street scene. Photographs were viewed from various aspects of the site with the houses on the ridge being identified.

Consideration was given to the history of the project to bring affordable housing to Cheriton Bishop by the Community Land Trust, the concerns of the objectors with regard to the housing needs survey and the possible harm to the visual amenity of the area and other sites that were available. Discussion took place regarding the identified need for affordable housing in the village, exception sites in general and the local allocation policy.

**RESOLVED** that the application be granted planning permission subject to:

- a) the prior signing of a Section 106 agreement for the retention of the affordable housing in perpetuity and that the Community Land Trust retains a legal interest in the site;
- b) Delegated authority be given to the Head of Planning and Regeneration in consultation with the Chairman of the Planning Committee, the Cabinet Member for Housing and the 2 Ward Members in discussion with the applicants to consider the local allocation policy to be included in the Section 106 agreement;
- c) Conditions as recommended by the Head of Planning and Regeneration.

(Proposed by Cllr P J Heal and seconded by Cllr R F Radford)

Notes:

- i) Cllrs P J Heal and D R Coren made declarations in accordance with the Protocol of Good Practice for Councillors dealing in planning matters they had been involved in discussions regarding the development as Ward Members
- ii) Mr Gorringe spoke on behalf of the applicants;
- iii) Mr Stevens spoke on behalf of the Objectors;
- iv) Cllr Ms Westcott spoke on behalf of the Parish Council;
- v) Cllrs D R Coren and P J Heal spoke as Ward Members;
- vi) The following late information was reported: Page 35: 2 more representations had been received since the report was completed. 1 in support of the application scheme, with the other raising the following concern: The proposals do not include a footpath link into Cheriton Bishop. This matter is covered in the report.

(d) No 3 on the Plans *List (14/01474/FULL – Conversion of redundant barn to dwelling – land and buildings at NGR 304595 116820 (adjacent to Goldsmoor House, Westleigh).*

The Principal Planning Officer outlined the contents of the report highlighting the revised plans received since the previous application had been determined, the change to a pitched roof, existing and proposed elevations and Policy DM 11: the conversion of rural buildings.

The Head of Planning and Regeneration stated that this was a revised scheme and that the actual building proposed to be converted had not changed.

Consideration was given to future uses of the redundant barn if it was not developed, the suitable access and that it would be an affordable home for a young family.

It was therefore

**RESOLVED** that planning permission be granted and that delegated authority be given to the Head of Planning and Regeneration to produce a set of appropriate conditions. The reason for granting permission was that the scheme would make use of an existing building which due to the amended design incorporating a pitched roof would result in an improvement to the amenity of the area. In this respect the current scheme was considered acceptable in contrast to the previous application.

(Proposed by Cllr J M Downes and seconded by Cllr R J Dolley)

Notes:

- i) Cllrs Mrs H Bainbridge, Mrs F J Colthorpe, F W Letch, and R F Radford made declarations in accordance with the Protocol of Good Practice for Councillors dealing in planning matters as they had had correspondence regarding this issue;

- ii) Mr Archer (Agent) spoke;
- iii) Cllrs Mrs H Bainbridge and Mrs C Collis spoke as Ward Members

(e) No 4 on the Plans *List (15/00382/FULL – Erection of an agricultural livestock building (889 sq.m) – land at NGR 299384 112863 – Red Linhay, Crown Hill, Halberton).*

The Head of Planning and Regeneration outlined the contents of the report highlighting the location of the proposed building, the existing livestock building and the site for the anaerobic digester (AD) plant. Members viewed the block plan, the ground level plan, site sections, elevation drawings and photographs from various aspects of the site. She stated that the building would be screened and that highway issues were explained in full in the report.

Consideration was given to whether there was a need for a further building, whether land that was supposed to be used for crops to feed the AD plan was now proposed to be grazed by the cattle and whether the application would as a result increase traffic movements. It was suggested that the land providing feedstock for the cattle and the AD plant did not tally and therefore it was:

**RESOLVED** that the application be deferred to allow for the receipt of further information to be gathered with regard to land parcels in connection with the proposal and the approved AD plant to ascertain whether the traffic generation was acceptable.

(Proposed by Cllr R L Stanley and seconded by Cllr R F Radford)

Notes:

- i) Cllr R F Radford made a declaration in accordance with the Protocol of Good Practice for Councillors dealing in planning matters as he had had contact with the Parish Council regarding the application;
- ii) Cllr Mrs H Bainbridge declared a personal interest as a Member of the Grand Western Canal Joint Advisory Committee;
- iii) Cllr R F Radford spoke as Ward Member;
- iv) Cllr Mrs F J Colthorpe, R J Dolley and F W Letch requested that their vote against the decision be recorded;
- v) The following late information was reported: 27<sup>th</sup> May 2015 – DCC Archaeology  
I refer to the above application and your recent re-consultation regarding the submission of the Written Scheme of Investigation (WSI) prepared by the Magnificent Science Company. The WSI is largely fine, but needs to be amended with regard to:

1. The sections on the Scope of WSI and Project Aims refer to archaeological evaluation. The required archaeological works are archaeological monitoring and recording not evaluation.
2. A timetable for deposition of the site archive needs to be included.
3. A timetable for publication, if required, needs to be included.
4. The museum accession number needs to be included.

If the WSI could be amended as above and resubmitted I would be able to recommend its acceptance by the LPA

28<sup>th</sup> May 2015 -

Following the comments from DCC Historic Environment Service and condition 3 on the recommendation, the applicant has submitted a Written Scheme of Investigation which has been send to DCC for comment. They have replied as follows:

*I refer to the above application and your recent re-consultation regarding the submission of the Written Scheme of Investigation (WSI) prepared by the Magnificent Science Company. The WSI is largely fine, but needs to be amended with regard to:*

*The sections on the Scope of WSI and Project Aims refer to archaeological evaluation. The required archaeological works are archaeological monitoring and recording not evaluation.*

*A timetable for deposition of the site archive needs to be included.*

*A timetable for publication, if required, needs to be included.*

*The museum accession number needs to be included.*

*If the WSI could be amended as above and resubmitted I would be able to recommend its acceptance by the LPA*

Given that this is a condition on the recommendation, it is recommended that the condition remains in place until the DCC Historic Environment Service advise that the applicant has submitted a suitable document for discharge.

- (f) **No 5 on the Plans List (15/00533/FULL – Retention of cover over existing silage clamp – land at NGR 300503 112348 (Bycott Farm) Lower Town, Halberton).**

The Principal Planning Officer outlined the contents of the report explaining that the roofing of the approved building had not been constructed in line with the planning consent as the Yorkshire Boarding would not have provided enough protection from the weather.

Consideration was given to the concerns of the Parish Council with regard to the appearance of the structure and that Yorkshire Boarding would have been more suitable if cattle were to be housed in the building.

**RESOLVED** that the application be approved as recommended by the Head of Planning and Regeneration.

(Proposed by Cllr Mrs H Bainbridge and seconded by Cllr P J Heal)

Notes:

- i) Cllrs R J Dolley and R F Radford declared personal interests as the applicant was known to them;
  - ii) Cllr R F Radford spoke as Ward Member.
- (g) No 6 on the Plans *List (15/00507/FULL – New surface car park and associated lighting – land at NGR 304319 114213 (Tiverton Parkway) Sampford Peverell)*.

The Head of Planning and Regeneration outlined the contents of the report, highlighting the history of the application site and how it was used on an emergency basis following the rail closure at Dawlish, the site location plan was identified with regard to the entrance to the station. Members viewed the block plan which identified the screening and the bund, the 185 additional parking spaces and photographs from various aspects of the site. Information was considered regarding the proposed legal agreement to secure a financial contribution towards the provision of highways works for a footway from Lower Town to the application site.

Consideration was given to need for the extension to the car park, disabled access, the proposed new pavement and its effect on the width of the road, improvements to the station and its surroundings, the concerns of the objector and the impact of the development on his property, the need for additional landscaping, headlight intrusion and the possibility of moving the entrance to the south of the site.

**RESOLVED** that the application be granted planning permission, subject to:

- Conditions as recommended by the Head of Planning and Regeneration'
- The provision of an informative note to be added regarding the provision of native evergreen planting within the scheme required under condition 3
- An amendment to Condition 4 to include details of lighting issues and the shielding thereof
- the deletion of Condition 5 and the re numbering of Condition 6 and 7
- An additional condition 7 stating that: The development hereby granted shall not be brought into first use until a legal agreement to secure a financial contribution towards the provision of off site highway works for a footway from Lower Town to the application site has been entered into.

Reason – To secure improved ensure access arrangements to the site in the interests of highway safety in accordance with policy DM2 of the Local Plan Part 3 (Development Management Policies).

(Proposed by Cllr Mrs H Bainbridge and seconded by Cllr R F Radford)

Notes:

- i) Mr Okey (Regional Development Manager for First Great Western) spoke;
- ii) Mr Garside spoke on behalf of the objector;
- iii) Cllrs Mrs H Bainbridge and Mrs C Collis spoke as Ward Members;

- iv) Cllr R L Stanley requested that his abstention from voting be recorded;
- v) The following late information was reported:

28<sup>th</sup> May 2015 –

**REVISED RECOMMENDATION:**

Subject to the prior signing of a s106 obligation to secure a financial contribution towards the provision of a pedestrian footway from the junction with Lower Town to the application site frontage, GRANT planning permission subject to conditions:

Further information from the applicant: The applicant has advised that they are willing to offer an upfront payment via s106 of £80,000 and the comments of the Highway Authority are awaited

28<sup>th</sup> May 2015 –

Following the comments of the EA, the applicant has provided an amended plan showing the proposed level to be 75.4m. The EA have confirmed that:

The car park was built without a flood risk assessment on an emergency basis on the fringes of the floodplain. Evidence to date suggests that flooding of the lowest corner is possible albeit it would be shallow. It is preventable and we advise that the low corner be raised to 75.4m as previously advised. We do however consider that the provision of compensation storage is no longer necessary given the minute loss of potential storage that would result from raising the small area concerned.

As a result, condition 5 is no longer required and should be deleted, with the remaining conditions 6 and 7 being renumbered as 5 and 6

**Further response from Highway Authority by email 28<sup>th</sup> May 2015:**

I have agreed that we will take £80,000 now with the remaining £20,000 of the £100,000 being paid on the second anniversary of the signing of the agreement.

In order for you to be able to issue a permission I suggest a Grampian style condition that the works on the car park cannot commence until the highway contribution agreement is signed and in place. This agreement could be a s278 agreement Highway Act 1980. I believe this route enable MDDC to issue the consent by 26<sup>th</sup> June, whereas a S106 agreement would need to include the landowner and s unlikely to be completed in time.

The formal response to the application sets out the sum of £170,000 for the delivery of the scheme (off site footway). Our view is that the increased traffic along the road increases the risk to pedestrians and therefore brings about the need for the footway. In our view it is therefore appropriate that the scheme promoter provides the majority of the funding.

**REVISED RECOMMENDATION:**

Grant permission subject to conditions.

**CONDITION 5 DELETED (CONDITIONS 6 AND 7 BEING RENUMBERED 5 AND 6).**



**ADDITIONAL CONDITION:**

7. The development hereby granted shall not be brought into first use until a legal agreement to secure a financial contribution towards the provision of off site highway works for a footway from Lower Town to the application site has been entered into.

Reason – To secure improved ensure access arrangements to the site in the interests of highway safety in accordance with policy DM2 of the Local Plan Part 3 (Development Management Policies).

(h) No 7 on the Plans *List (15/00537/FULL – Installation of a solar farm to generate 4.6MW of power (site area 7.65ha) and associated infrastructure, including photovoltaic panels, mounting frames, inverters, transformers, substations, communications buildings, fence and pole mounted security cameras – Land at NGR 274885 105456 (Sharland farm, Morchard Bishop).*

The Area Planning Officer outlined the contents of the report highlighting the site location plan, the railway and the A377, the new access to the site, proposed panel and storage building details, the agricultural land classification and photographs from various aspects of the site which identified the existing and proposed view

Consideration was given to the landscape and visual impact, the use of best and most versatile land, the cumulative effect of the application of the scheme with others, the views of the applicant with regard to planning policy and the lack of objections from statutory consultees

**RESOLVED** that members were minded to refuse the application and therefore wished to defer the decision to allow for a site visit to take place and for a report to be received setting out the implications of the proposed decision based on the following reasons:

- The landscape and visual impact together with the cumulative impact of the application
- The use of the best and most versatile agricultural land

(Proposed by Cllr Mrs J B Binks and seconded by Cllr J M Downes)

Notes:

- i) Cllrs Mrs H Bainbridge, Mrs J B Binks, Mrs C Collis, Mrs F J Colthorpe, R J Dolley J M Downes, S G Flaws, P J Heal, D J Knowles, F W Letch J D Squire and R L Stanley made declarations in accordance with the Protocol of Good Practice for Councillors dealing in planning matters as they had received correspondence from the applicant;
- ii) Mrs J B Binks declared a personal interest as she had attended a presentation by the applicant as the Ward Member;
- iii) Cllr P J Heal declared a personal interest as local residents were known to him;
- iv) Mr Ryan (Agent) spoke;

- v) A proposal to grant permission was not supported;
- vi) The following late information was reported: Page 77: 1 further representation has been received since the report was completed on the basis the proposals would result in the loss of best and versatile agricultural land and it would be an eyesore in landscape and visual terms. Your officers response to both these issues is set out in the report.

**REVISED SECOND RECOMMENDATION:**

To allow a variation to the S106 agreement pursuant to planning permission 92/01338/FULL to release the application land from the agreement.

**9 THE DELEGATED LIST (4-18-14)**

The Committee **NOTED** the decisions contained in the Delegated List \*.

Note: \*List previously circulated; copy attached to Minutes.

**10 MAJOR APPLICATIONS WITH NO DECISION (4-19-00)**

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

Application 15/00799/MFUL was noted as being a Committee decision and Members agreed that a site visit was not necessary.

Note: \*List previously circulated; copy attached to the Minutes

**11 APPEAL DECISIONS**

The Committee had before it and **NOTED** a list of appeal decisions \* providing information on the outcome of recent planning appeals.

Note: \*List previously circulated; copy attached to signed Minutes.

**12 APPLICATION 99/03432/FULL - CONVERSION OF REDUNDANT FARM BUILDING TO AN AGRICULTURAL WORKERS DWELLING AT HARTNOLL FARM, HALBERTON (4-21-02)**

The Committee had before it a report \* of the Head of Planning and Regeneration regarding a variation to the Section 106 legal agreement attached to the above consent. She outlined the contents of the report stating that this matter had been considered at the previous meeting but Members had felt that the area of alternative land being offered neither equated in size or value to the area of land being released from the agreement. Further negotiations had taken place with the applicant and an alternative land parcel had been identified.

It was therefore:

**RESOLVED** that the proposed variation of the Section 106 Agreement (to remove one area of land and replace it with another) be approved and that the Legal Services Manager be instructed accordingly.

(Proposed by Cllr Mrs H Bainbridge and seconded by Cllr P J Heal)

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

13 **START TIME OF MEETINGS**

This matter would be discussed at the next meeting of the Committee.

(The meeting ended at 6.55 pm)

**CHAIRMAN**

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## MID DEVON DISTRICT COUNCIL

**MINUTES** of a **MEETING** of the **PLANNING COMMITTEE** held on 1 July 2015 at 2.15 pm

### **Present Councillors**

Mrs F J Colthorpe, Mrs H Bainbridge,  
Mrs J B Binks, K Busch, Mrs C Collis,  
R Dolley, S G Flaws, P J Heal, D J Knowles,  
F Letch, R F Radford, J Smith, J D Squire  
and Mrs B M Hull

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

J M Downes and R L Stanley

### **Also Present Councillor(s)**

### **Present Officers:**

Jenny Clifford (Head of Planning and Regeneration), Simon Trafford (Area Planning Officer), Reg Willing (Enforcement Officer) and Sally Gabriel (Principal Member Services Officer)

## 14 **APOLOGIES AND SUBSTITUTE MEMBERS**

Apologies were received from Cllrs: J M Downes and R L Stanley.

Cllr R L Stanley was substituted by Cllr Mrs B M Hull.

## 15 **PUBLIC QUESTION TIME**

Mr Ryan (representing Lightsource Renewable Energy Limited) and referring to item 12 (Sharland Farm) on the agenda stated that since the last committee on 3 June 2015, the scheme had been amended to address the concerns of Members by removing 3.1 ha of Grade 3a agricultural land, the relocation of the essential infrastructure buildings to the south east corner of the site and the reduction in height of the panels. There was support from residents in the local area and the closest resident to the site had raised no objection. Down St Mary Parish Council had also raised no objection. The landowner was an experienced sheep farmer and would continue to graze sheep on the land. The positives of the scheme outweighed any objection and therefore he proposed that the revised scheme be accepted.

## 16 **MINUTES OF THE PREVIOUS MEETING**

The minutes of the meeting held on 3 June 2015 were approved as a correct record and **SIGNED** by the Chairman.

## 17 CHAIRMAN'S ANNOUNCEMENTS

The Chairman had the following announcements to make: she informed those present that two new officers Joanna Williams and Joanna Cavill had joined the enforcement team.

## 18 START TIME OF MEETINGS (00-07-42)

Discussion took place regarding the start time of meetings for the following year.

**RESOLVED** that meeting of the Planning Committee be held at 2.15pm on Wednesday's for the remainder of the municipal year.

(Proposed by Cllr D J Knowles and seconded by Cllr P J Heal)

## 19 ENFORCEMENT LIST (00-08-10)

Consideration was given to the following cases in the Enforcement List \*:

Note: \*List previously circulated; copy attached to the signed Minutes.

Arising thereon:

No. 1 in the Enforcement List (***Enforcement case ENF/15/00041/UDUR – Without planning permission, the carrying out of engineering works to raise the ground level at the north eastern boundary and erection of close boarded fence close to the boundary, alleged to be above the 2 metre permitted development height at Clouds, Barnfield, Crediton.***)

The Planning Enforcement Officer outlined the contents of the report stating that the matter referred to a building site which was at the rear of Clouds backing onto properties in Mount Pleasant, Park Street. The site was on a north facing slope and was formerly an orchard. Concern had been raised at a previous meeting regarding the inspection cover used to survey the site which may have been raised giving a false level from which to establish ground heights. Further site visits had taken place but because of works that had taken place on the site it was not possible to ascertain where the original levels had been taken from. Concern had been raised by local Ward Members regarding the soil build up against the neighbouring property and photographs were shown of the area of concern. Concern was also raised about the height of the fence on the resident's side, although this had been measured and no breach planning control was evident. It was suggested that as no breach could be established enforcement action and remedial measures would be difficult to impose and therefore no further action should be taken.

Consideration was given to the build-up of the soil against the neighbouring property and the height of the fence and whether it had been erected on original levels. It was suggested that this was now a civil issue between the neighbouring properties.

It was therefore

**RESOLVED** that the Legal Services Manager be authorised to take no further action in respect of either the engineering works carried out or the erection of the fence.

(Proposed by Cllr P J Heal and seconded by Cllr Mrs H Bainbridge)

Notes:

- a) Cllr: F W Letch made a declaration in accordance with the Protocol of Good Practice for Councillors dealing in planning matters as he had been involved in discussions with both parties and had visited the site;
- b) Mr Perks (complainant) spoke;
- c) Cllrs Mrs J B Binks, R J Dolley, F W Letch and J L Smith requested that their abstention from voting be recorded.

20 **DEFERRALS FROM THE PLANS LIST (00-33-57)**

The Chairman informed Members that Item 1 (Menchine Farm) had been deferred as some of the neighbouring Parish Council and other respondents had not been informed that the application would be determined at today's meeting. It was **AGREED** that as there would be a delay that a site visit take place for the benefit of the new Members of the Committee prior to the determination of the application.

21 **THE PLANS LIST (00-37-00)**

The Committee considered the applications in the plans list \*

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

- a) No 1 on the Plans *List (15/00573/FULL – Erection of new building for processing digestate fibre in association with existing AD plant – land at NGR 283096 113579 (Menchine Farm) Nomansland).*

This application had been deferred as outlined in Minute 20.

- b) No 2 on the Plans *List (15/00749/TO – Application to reduce height by 2.5m and reshape crown, reduce western lower lateral by 2m and reduce lower crown to northeast to achieve 2-3m clearance from adjoining house of oak tree protected by Tree Preservation Order 4/52/88/TP4 – adj 7 Jasmine Close, Tiverton EX16 6UB).*

The Head of Planning and Regeneration outlined the application highlighting the location of the tree and the works required as described in the report.

**RESOLVED** that the application be granted subject to conditions as recommended by the Head of Planning and Regeneration.

(Proposed by Cllr Mrs H Bainbridge and seconded by Cllr P J Heal)

(ii) No 3 on the Plans List (*15/00750/TPO – Application to carry out works to 1 oak protected by Tree Preservation Order 83/00003/TP – Play area, Head Weir Road, Cullompton*).

The Head of Planning and Regeneration outlined the application highlighting the location of the tree and the works required as described in the report and stating that the tree would be reassessed in five years to ensure its safety and suitability for the play area.

**RESOLVED** that the application be granted subject to conditions as recommended by the Head of Planning and Regeneration.

(Proposed by Cllr Mrs B M Hull and seconded by Cllr J L Smith)

## 22 **THE DELEGATED LIST (00-44-10)**

The Committee **NOTED** the decisions contained in the Delegated List \*.

Note: \*List previously circulated; copy attached to Minutes.

## 23 **MAJOR APPLICATIONS WITH NO DECISION (00-44-48)**

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

The following applications were **NOTED** as being committee decisions

15/00934/MARM – Cummings Nursery, Cullompton

15/00650/MARM – Land North of Knowle Lane, Cullompton.

It was **AGREED** that site visits take place on the same day to both locations.

Note: \*List previously circulated; copy attached to the Minutes.

## 24 **APPEAL DECISIONS (00-52-14)**

The Committee had before it and **NOTED** a list of appeal decisions \* providing information on the outcome of recent planning appeals.

Members received information regarding the outcome of the Bowden's Lane, Shillingford application which had been approved by the Planning Inspector.

Note: \*List previously circulated; copy attached to signed Minutes.

## 25 **APPLICATION 15/00537/MFUL - INSTALLATION OF A SOLAR FARM TO GENERATE 4.6MW OF POWER (SITE AREA 7.65 HA) AND ASSOCIATED INFRASTRUCTURE, INCLUDING PHOTOVOLTAIC PANELS, MOUNTING FRAMES, INVERTERS, TRANSFORMERS, SUBSTATIONS, COMMUNICATIONS BUILDING, FENCE AND POLE MOUNTED SECURITY CAMERAS AT LAND AT NGR 274885 105456 (SHARLAND FARM), MORCHARD BISHOP (00-58-11)**



The Area Planning Officer outlined the contents of the report which had been deferred at the previous meeting as Members were minded to refuse the application on the grounds of the use of best and most versatile agricultural land and landscape and visual impact, including cumulative impact. Following discussions at that meeting the applicant had put forward a revised scheme removing the land parcel of Grade 3a agricultural land, the relocation of the essential infrastructure to the south eastern corner of the site and the reduction in height of the panels. Photographs were shown from various viewpoints looking into the site that had been taken on the site visit the day before.

Discussion took place regarding:

- The direction that the panels would be facing
- The view from the location of Down St Mary Garage
- The proximity to the Two Moors Way
- The fact that the applicant had considered the previous views of the Committee.

It was therefore

**RESOLVED** that

a) Planning permission be granted subject to conditions and an informative note as recommended by the Head of Planning and Regeneration

(Proposed by Cllr Mrs H Bainbridge and seconded by Cllr P J Heal)

b) The proposed variation to the S106 agreement pursuant to planning permission 92/01338/FULL be approved

(Proposed by the Chairman)

Notes:

a) Cllrs Mrs H Bainbridge, Mrs J B Binks, K Busch, Mrs C Collis, R Dolley, S G Flaws, P J Heal, Mrs B M Hull, D J Knowles, F W Letch, R F Radford, J L Smith and J D Squire made declarations in accordance with the Protocol of Good Practice for Councillors dealing in planning matters as they had all received correspondence regarding the matter, with Cllr Mrs Binks having also had contact with the applicant, Parish Council and objectors to the scheme and Cllr Mrs Colthorpe having had discussions with the Parish Council;

b) Cllr Mrs J B Binks requested that her vote against the decision be recorded;

c) The following late information was received: A further representation from a local stakeholder has been received confirming their objection to the scheme as it has been altered.

Morchard Bishop Parish Council maintain their objection to the application scheme.

d) \* Report previously circulated, copy attached to minutes.

26 **APPLICATION 15/00701/PATH - DIVISION OF TIVERTON FOOTPATH 22 AT LAND AT NGR 294586 113569 (FARLEIGH MEADOWS), WASHFIELD LANE, LOWER WASHFIELD (1-26-19)**

The Area Planning Officer outlined the contents of the report stating that an application had been received to divert part of footpath 22 in association with the residential development scheme at the land to the rear of Rackenford Road (Farleigh Meadows). He highlighted the process required and informed the Committee that an objection had been received.

**RESOLVED** that the objection as submitted be noted and that authority be given to officers to proceed to making the order.

(Proposed by the Chairman)

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

27 **SCHEME OF DELEGATION (1-31-46)**

The Committee had before it a report of the Head of Planning and Regeneration updating the current scheme of delegation in order to provide clarity over the appropriate decision-making route for Conservation Area policy related work.

The Head of Planning and Regeneration outlined the contents of the report stating that when the reporting processes for planning policy had been amended in 2012, the issue of conservation areas had been omitted, the intention of the report was to clarify the process.

**RESOLVED** that the scheme of delegation to the Head of Planning and Regeneration be amended in order to delete reference to the designation of new or amendment of existing Conservation Area boundaries from the conservation section and that this section read as follows:

In the case of Conservation:

- a) It requires the issue of repair and urgent work notices.
- b) It involves the submission of funding bids or schemes that have budgetary implications.

(Proposed by the Chairman)

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

(The meeting ended at 3.51 pm)

**CHAIRMAN**

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## **MID DEVON DISTRICT COUNCIL**

**MINUTES** of a **MEETING** of the **STANDARDS COMMITTEE** held on 28 April 2015 at 6.00 pm

### **Present**

**Councillors** R M Deed (Chairman)  
R J Chesterton, Mrs F J Colthorpe,  
Mrs L J Holloway, C R Slade,  
Mrs M E Squires and P F Williams (Vice  
Chairman)

### **Apologies**

**Councillors** R Evans and Mrs N Woollatt

### **Also Present**

**Officers:** Philip Langdon (Solicitor) and Julia Stuckey (Member Services Officer)

## **78 APOLOGIES AND SUBSTITUTE MEMBERS**

Apologies were received from Councillors R Evans and Mrs N Woollatt.

## **79 PUBLIC QUESTION TIME**

There were no members of the public in attendance.

## **80 MINUTES**

The Minutes of the last meeting were approved as a true record and were signed by the Chairman.

## **81 CHAIRMAN'S ANNOUNCEMENTS**

The Chairman wished all the best for the future to those Members not standing for re-election.

## **82 COMPLAINTS**

There were no complaints to report.

## **83 UPDATES FROM THE CONSTITUTION WORKING GROUP**

The Committee continued where they had finished at the last meeting, working through the Rules of Procedure from page 112.

It was AGREED that all references to the Legal Services Manager should be changed to say the Monitoring Officer.

Throughout the document rules were referred to as rule 0. This required amending to read the true rule number.

On page 141 (12) it was AGREED to change the word 'will' to 'can'.

The formatting throughout the document needed to be checked for consistency.

When referring to Members and Officers in the Code of Conduct the use of apostrophes needed to be consistent.

Pages 166, 167 and 168 needed to be combined onto one page and the numbering checked.

It was AGREED that the Monitoring Officer be asked to confirm whether the highlighted comments in the document had been actioned.

Discussion took place regarding point 4.7 on page 173, referring to Officers responding to emails from Members within 5 days. It was AGREED to ask the Monitoring Officer to confirm whether or not this has been agreed by Council.

On page 177 a comment had been made regarding Members arranging public meetings and the need to inform the Chief Executive or Head of Service about this. It was AGREED that the Solicitor look into the legalities of this and provide appropriate wording.

The Members Allowances Scheme would need to be updated when it had been agreed.

The Chairman thanked the Committee and the Constitution Working Group for the effort they had put into updating the Constitution.

It was AGREED that the full Constitution, including the index and glossary be brought to the next meeting of the Committee, which would be held on Wednesday 17<sup>th</sup> June 2015 at 6.00pm in the Phoenix Chamber.

#### **84 IDENTIFICATION OF ITEMS FOR THE NEXT MEETING**

The Committee to review the full Constitution, including the glossary and index.

(The meeting ended at 6.53 pm)

**CHAIRMAN**

## **MID DEVON DISTRICT COUNCIL**

**MINUTES** of a **MEETING** of the **LICENSING SUB-COMMITTEE A** held on 14 May 2015 at 2.00 pm

### **Present**

**Councillors:** R J Chesterton (Chairman)  
D R Coren and D J Knowles

### **Also Present**

**Officers:** Simon Newcombe (Public Health and Professional Services Manager), Simon Johnson (Legal Services Manager), Thomas Keating (Lead Licensing Officer) and Sarah Lees (Member Services Officer)

## **1 APOLOGIES AND SUBSTITUTE MEMBERS**

There were no apologies for absence.

## **2 CHAIRMAN - ELECTION**

**RESOLVED** that Cllr R J Chesterton be elected Chairman of the Sub Committee for the meeting.

Cllr Chesterton then took the Chair.

## **3 DETERMINATION OF A PREMISES LICENCE APPLICATION FOR KNIGHTSHAYES, TIVERTON**

Consideration was given to a report \* from the Head Human Resources and Development containing relevant information in relation to an application that had been received for a new premises licence for Knightshayes.

The Members and Officers introduced themselves.

Members of the Sub Committee declared no interests in respect of the application.

The Sub Committee agreed that the hearing be held in public.

The Lead Licensing Officer outlined the contents of the report making reference to the representation received from the Police as a Responsible Authority as well as representations received from two Other Persons, Mrs Helen Mead and Ms Frances Thomson. He stated that Mrs Helen Mead would be represented at the Hearing by her solicitor Mr Graham Gover but that Ms Thomson would not be present due to other commitments. He informed those present that a revised plan had been submitted by the Applicant which had reduced the outside area for which a licence was sought as well as a letter offering additional conditions. This had been circulated to the Members of the Sub Committee. He also stated that a site visit had taken place the previous day with all Members of the Sub Committee being present.

The Applicant, National Trust (Enterprises) Ltd, was represented by Mr Jon Payne from Horsey Lightly Fynn. He stated that the premises already had a licence for part of the estate but that this application sought to extend the areas to be licensed however these had been too large to be dealt with by way of a minor variation. The National Trust had decided to apply for a full licence as they had done for approximately 250 of their properties but it was not the intention to hold major events, such as large scale concerts, at this site. Seeking a fuller licence would enable the Trust to have greater flexibility when organising smaller events and the example of being able to erect a Pimm's or Champagne marquee was given. A list of forthcoming events was circulated to those present which was described as providing a flavour of the type of events the Trust would like to hold in the future.

The Events Manager for Knightshayes, Ms Alice Morgan Brown, stated that the events in the brochure were centred around the school holidays and were designed to attract local families as well as holiday makers. She also made reference to a community theatre production and family workshop but stated that numbers would be limited due to available space and a duty of care. It was stated that it was not the intention to hold large scale 'pop concerts' as given any such event would need to be sited near to the visitor facilities the available amount of space around these would naturally limit the size of any event. The Sub Committee questioned why the Trust was seeking a new licence when the existing licence would allow them to hold the events in the brochure? Mr Payne responded by saying that the new licence would provide more flexibility, for example to serve alcohol at the advertised events. Again, he stated that it was not the Trusts intention to carry out the intrusive events that had been described by the objectors.

Discussion took place regarding the layout of the site and it was confirmed that the boundary shown within the revised plan coincided with the land currently within the ownership of the Trust. This included areas of woodland which although would not be suitable for the described events would provide a buffer preventing noise nuisance.

Further discussion also took place regarding the amount of noise monitoring that had taken place at last years 'Soup Stock' events. There had been an Events Management Plan but this had not made specific reference to noise monitoring. However, it was confirmed that although there were no monitoring points on site the Trust did have a qualified sound engineer and that General Manager also lived on site and would be aware of any issues. There had not been any complaints about noise following the events last summer. However, the Sub Committee did feel that more could be done to monitor noise levels in the future for events with the potential of attracting large numbers of people.

Mr Graham Gover, speaking on behalf of Mrs Helen Mead, one of the Other Persons, was then invited to make his representation. He stated that his client had no wish to see the licence application refused, indeed she had been a lifelong member of the National Trust and supported its values. However, people's need for peace and quiet needed to be observed. His client did not have an issue with any of the events planned for indoors but strongly wished to safeguard the distance between any event site and her property. This needed to be controlled and managed at source. He explained that a dialogue had been sought with Mr Payne but neither he or his client had been informed about a revised site plan or had been given a copy of the events brochure circulated today. It was suggested that the Sub Committee consider the control of licenced hours, the control of noise at the source or the monitoring of noise



at his clients premises. He referred to a list of suggested conditions in a letter to the Licensing Authority. He also stated that he would like to be consulted in the drawing up of any Event Management Plan.

The Sub Committee then sought advice from the Public Health and Professional Services Manager regarding noise monitoring at the site. It was confirmed that no background noise monitoring had been undertaken but had this been requested a full assessment would have been conducted. As it was, Environmental Health, as a Responsible Authority, had not stipulated that noise monitoring be a condition on the licence.

In summing up, the Applicant's representative stated that a fundamental point had been made about neighbouring properties not being disturbed. That was why the Trust had offered the condition of providing a telephone number for people to call should issues arise. This in their view was a much better solution than extensive monitoring for things which may not exist. There may be occasions when monitoring would be required but this would be dealt with in the Event Management Plan. He made the point again that Environmental Health had not made a representation regarding noise. Finally, he stated that the National Trust was keen to maintain good relations with neighbouring properties and that if there were any problems it would like to know about them.

Mr Gover summed up by stating that the correct way to deal with potential noise problems was to prevent them in the first place. The conditions they had suggested were not onerous or unreasonable. Prior dialogue was needed between all interested parties as well as proper planning.

The Sub Committee withdrew to consider their decision.

**RESOLVED** that the licence be granted as applied for subject to the following conditions:

- i. For licensable events that will or are likely to attract over 1000 people an Event Management Plan must be submitted to the Licensing Authority at least 8 calendar weeks before the proposed event start date. This must include consideration of how noise nuisance issues will be managed.
- ii. That a manned telephone number be provided for local residents to call should there be any cause for concern over a licensable activity that is taking place.
- iii. Notice of the intent to hold licensable events that will or are likely to attract over 1999 people be sent to Devon and Cornwall Police Licensing Department at least 8 calendar weeks before the proposed event start date.

Reasons:

The Sub Committee reached their decision having heard the evidence and having heard from the Legal advisors for the Licence Holder and one of the Other Persons regarding a number of issues. Overall there was a need to make the conditions appropriate, reasonable and enforceable. In reaching their decision the Sub Committee also felt that there was a need to protect the following Licensing Objectives:

- Public Safety
- Prevention of Crime and Disorder
- Prevention of Public Nuisance

(Proposed by the Chairman)

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

(The meeting ended at 4.10 pm)

**CHAIRMAN**

## **MID DEVON DISTRICT COUNCIL**

**MINUTES** of a **MEETING** of the **LICENSING SUB-COMMITTEE C** held on 18 June 2015 at 10.00 am

### **Present**

**Councillors** Mrs F J Colthorpe, Mrs G Doe and  
T G Hughes

### **Also Present**

**Officers** Simon Newcombe (Public Health and Professional Services Manager), Philip Langdon (Solicitor), Ian Winter (Environmental Health Officer) and Sarah Lees (Member Services Officer)

## **1 APOLOGIES AND SUBSTITUTE MEMBERS**

Apologies were received from Cllr N V Davey who was substituted by Cllr Mrs F J Colthorpe.

Apologies were received from Cllr J M Downes who was substituted by Cllr Mrs G Doe.

Apologies were received from Cllr P H D Hare-Scott who was substituted by Cllr T G Hughes.

## **2 CHAIRMAN - ELECTION**

**RESOLVED** that Cllr T G Hughes be elected Chairman of the Sub Committee for the meeting.

Cllr Hughes then took the Chair.

## **3 DETERMINATION OF A PREMISES LICENCE APPLICATION FOR ELMORE, HORSDEN PARK, HEATHCOAT WAY, TIVERTON, DEVON, EX16 4DB**

Consideration was given to a report \* from the Head of Human Resources and Development containing relevant information in relation to an application that had been received for a new premises licence for Elmore, Horsdon Park, Tiverton.

The Members and Officers introduced themselves.

Cllr Mrs F J Colthorpe declared a personal interest in that she had attended events at the Tiverton Hotel in the past and in fact was due to attend an event this coming weekend.

The Sub Committee agreed that the hearing be held in public.

The Public Health and Professional Services Manager outlined the contents of the report. A description of the premises was provided and it was explained that the club had held a Club Premises Certificate for approximately 10 years. In that time, the club had also applied for a number of Temporary Event Notices but now wished to apply for a new overarching premises licence. There was a key difference between what was being applied for in terms of indoor and outdoor events. The application stated that all outdoor events would terminate at midnight.

Following consultation the Licensing Authority had received responses from both the Police and Environmental Health. Suggested conditions upon the licence had been offered by both parties and these were contained within the annexes to the report. A total of 9 valid representations from local residents had also been received.

The Applicant, Mr Hewitt, was invited to make his representation to the Sub Committee. He explained that it was never the clubs intention to hold events 7 days a week. The fact that it was primarily a football club greatly restricted the number of months available to hold outside events on the pitch. The pitch could not be used between the months of September to the following May each year. There was also the need to conduct pitch repairs during the summer months which may take up to 6 weeks. Therefore the window of opportunity to hold licensable activities outside was greatly reduced.

He further explained that he was prepared to accept the condition of two outdoor events per year. He was aware of issues in relation to noise which is why he had applied for outdoor events to finish at midnight. The Sub Committee questioned Mr Hewitt on how wide the leaflet drop was before an event. Mr Hewitt explained that leaflets were dropped to all properties in Kings Crescent, Queensway and those at the Tiverton end of Blundells Road. The event was also very well advertised around the town and on the website. The Chairman asked the objectors present to comment on what had been said regarding the leaflet drop. Comments were made such that leaflets had only been received two days before an event date. It was felt that there had not been enough consultation with local residents.

Environmental Health, a Responsible Authority represented by Mr Ian Winter, was then asked to present his evidence. It was explained that this was a problematic site in an urban setting with a large business in close proximity. Mr Winter had been in communication with both the Applicant and the complainants prior to the hearing. He had advised the Applicant to liaise with the Hotel prior to an event and had carried out noise monitoring at the Hotel. A Noise Management Plan (NMP) did give Environmental Health more ability to control an event, however, the NMP currently offered by the Applicant was not enforceable and needed fine tuning. His advice, in line with national guidance, was that there needed to be noise monitoring points and that any NMP needed to be approved by Environmental Health before an event took place. It was further explained that 65 decibels over a 15 minute period of testing would be acceptable in an urban area. Ultimately adherence to the NMP and the conditions of a licence would be the responsibility of the Applicant.

Representations from Other Persons were then invited. Mr Waterman, a local resident and objector explained that he had been disturbed by the noise many times, in fact, if he knew an event was happening he would go away as the noise was unbearable. The events usually happened in the hottest months of the year when you

would normally have your windows open. It was not possible to sit and relax in the garden on a summers evening.

In seeking further clarification the Sub Committee were informed that the start time for the large scale music events was usually mid-morning, allowing bands to practice and do sound checks before starting in the early afternoon.

Mr Horwood, also a local resident living in Kings Crescent, stated that he was happy to see charitable events, raising money taking place but was concerned that the club seemed to be getting more and more commercial with lots of events taking place which were unrelated to football. He was also concerned at the lack of respect for local residents and had particular concerns that a marquee situated on the pitch could be classed as an indoor event, thereby having later finishing hours. At this point the Public Health and Professional Services Manager informed those present that for this specific site a marquee on the pitch would be considered to be an external event. Reference was made to the Plan showing the pitch as the blue area and the club house as the green area. It was again stressed that anything within the blue area would be considered an external event.

At this point in the proceedings, the Applicant, Mr Hewitt stated that he would be happy to amend the Christmas and New Year finishing hours, such that indoor events would finish at midnight on Christmas Eve, 2am on Boxing Day night and 2am on New Year's Eve rather than the hours stated in the application.

Mr Scoble, also a local resident, stressed the need for a NMP that had 'teeth'. The 'base' noise from these events had been even worse with the windows closed.

Tiverton Hotel was represented at the hearing by Mr Colin Hewitt. He stated that having listened to the discussion at the hearing a few of his concerns had been alleviated, one being that outdoor events would finish at midnight and the other being that a marquee was considered to be an outdoor event. He explained that the hotel was a big employer and guests wanted peace and quiet. Complaints regarding previous events had led the hotel to giving refunds to some guests. A major concern had been the fact that the Applicant had originally applied for indoor events to finish at 3am during the Christmas period and he welcomed the offer from the Applicant to amend the times to those he had stated.

The question was asked as to where future marquees might be sited on the pitch. Mr Winter stated that the Applicant would be advised as part of the NMP where the best positions would be. He also made reference to a number of factors that could reduce noise such as low circuit speakers or acoustic clouds.

All those who had provided evidence were invited to provide a summary of their key points but it was not felt necessary by those who had already spoken.

The Sub Committee then withdrew to consider their decision.

**RESOLVED** that the application for a premises licence be granted subject to the following conditions:

- a) The areas of the premises marked in blue on the plan (not green) can only be used for licensable activities on two occasions in any one calendar year.

Reference to 'occasion' in this condition refers to a single event taking place between 10am and midnight on any one calendar date. No such event shall take place unless a minimum of 15 days has elapsed since the previous event.

- b) When the areas marked in blue on the plan (not green) are to be used for the licensable activities of amplified music (live and recorded), a Noise Management Plan must be submitted to Mid Devon District Council Licensing Authority no less than 21 days prior to the event start date. Approval must be given not less than 7 days before the event start date. The Noise Management Plan, once approved, must be complied with as a condition of the licence.
- c) The daytime music noise level from the premises for the times 09.00am until 24.00am shall not at monitoring locations 1,2 and 3 (as detailed on Plan A) exceed 65dB (A) over a fifteen minute period (LAeq) through the daytime duration of the event. The night time noise level from the premises for the times 24.00am until 9.00am shall not at monitoring locations 1, 2 and 3 exceed 45 dB(A) over a five minute period (LAeq) throughout the night time duration of the event.
- d) A CCTV system will be installed, operated and maintained on these premises in accordance with Mid Devon District Council's CCTV operational document for licensed premises and to the satisfaction of the Chief Office of Police.
- e) Where a licensable event will or is likely to attract over 250 people, the DPS or Premises Licence Holder must notify the Police and Licensing Authority of the following information at least 21 Days prior to the event taking place:
  - Name of the event
  - Duration of the event (start and end date)
  - Number of people expectedThe above notification must be in writing. Email notification is sufficient to comply with this condition.
- f) Where it is intended to use the premises for the playing of live and recorded music the finishing times shall be as followed on the following days of the year:
  - Christmas Eve 24.00am
  - Boxing Night 02.00am
  - New Year's Eve 02.00am

#### Reasons:

The Sub Committee have listened carefully to the evidence provided by the Applicant, the Responsible Authorities and the Other Persons. In reaching their decision they were particularly influenced by the concerns raised by local residents and representatives from Tiverton Hotel regarding excessive 'base' type noise preventing sleep in the local area. When considering the conditions placed upon the licence, the Sub Committee felt that there was a need to condition **all** licensable activities held in the outside area to two events per year rather than just amplified music events. It was felt that there could be the possibility of holding two amplified music events but also a number of other licensable activities **outside** which may generate large volumes of noise such as theatrical performances or boxing matches.

In discussing the condition relating to the Noise Management Plan, the Sub Committee felt that it was important for approval to be given not less than 7 days **before** the event start date, allowing all those who might be affected by the event to have sight of it before hand should they wish to.

The licensing objective of preventing public nuisance, in this case caused by excessive noise, was at the fore front of all their deliberations.

(Proposed by the Chairman)

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

(The meeting ended at 1.05 pm)

**CHAIRMAN**

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FULL COUNCIL  
15 July 2015

AGENDA ITEM: 9

## Disciplinary processes for Statutory Officers

**Cabinet Member:** Leader of the Council  
**Responsible Officer:** Chief Executive

**Reason for Report:** This report recommends changes to the Council's Constitution following recent legislation.

### RECOMMENDATIONS:

The process for dismissing the Chief Executive/Head of Paid Service, Monitoring Officer and Chief Finance Officer be amended in line with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015.

**Relationship to Corporate Plan:** None

**Financial Implications:** There are no direct financial implications arising from this report.

**Legal Implications:** Any changes proposed must comply with employment legislation.

**Risk Assessment:** The Council is required to make changes in line with the legislation, however these need to result in a robust procedure which is not open to challenge.

### 1.0 Introduction

1.1 The Council's Constitution is periodically updated and this report details amendments that will be needed to incorporate the disciplinary process for the three statutory officers in line with recent legislative changes. However, this is a holding report to alert Members to impending changes.

### 2.0 Changes required by the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015

2.1 Following legislation introduced on 25 March 2015, every local authority is required to take a report to its first Council meeting after its Annual Meeting in May 2015, to amend its Standing Orders to make changes to the procedure for disciplining and dismissing its statutory officers.

2.2 The new Regulations prescribe disciplinary procedures for removing a statutory officer. These are the Chief Executive, who is the Head of Paid Service, the Monitoring Officer and the Chief Financial Officer. This modification must be made by the first ordinary Council meeting held after the 7 May 2015 elections.

2.3 The government's rationale for these changes was that the existing process was bureaucratic and time-consuming. It also involved the appointment of a

Designated Independent Person (DIP) to deal with any serious disciplinary issue prior to taking action against a statutory officer. The government's view is that it often led to authorities making inflated severance payments to senior officers in order to avoid taking the costly DIP route. The new regulations require that any decision to dismiss top staff has to be taken by full Council. The Council would be required to consider a report about the proposed dismissal from a panel drawn from members of the Council's Independent Remuneration Panel.

- 2.4 Council must invite at least two Independent Persons to be members of a disciplinary panel, and Council must take into account any recommendation of that disciplinary panel, the conclusions from any investigation and any representations from the officer, before taking a final decision to dismiss.
- 2.5 However, currently, specific information as to the role of an investigating officer and how this role will interact with the panel has not been given. There is also an outstanding issue in that, at present, the disciplinary procedures for the Chief Executive is a contractual one and negotiations on a national level are yet to be had.
- 2.6 The Regulations provide that the Panel is to be a committee of the Authority and so it is subject to the legal requirements for committees, including the proportionality rules.

### **3.0 Conclusion**

- 3.1 This report highlights that the amendment of the Council's Constitution to update various sections as detailed above will be made as soon as the guidance from the Local Government Association and DCLG is forthcoming. The Council is advised that use of the present disciplinary process should be continued if it should be required until such time as a workable alternative is produced and agreed nationally.

**Contact for more Information:** Kevin Finan, Chief Executive, 01884 234201 (kfinan@middevon.gov.uk) or Sally Gabriel, Principal Member Services Officer, 01884 234229 (sgabriel@middevon.gov.uk)

**Circulation of the Report:** Management Team

**FULL COUNCIL**  
**15 July 2015**

## **Independent Remuneration Panel Report – July 2015**

**Responsible Officer:** Head of Communities and Governance and Monitoring Officer

**Reason for Report:** The Independent Remuneration Panel had made a number of recommendations to Council on 29 April 2015 which had been approved. One of these was that they undertake an interim review to ascertain whether any changes to the Scheme were needed in advance of a more Fundamental Review over the next 12 months. The Panel consider that there are a number of areas within the current scheme which do need amending in the short term and are therefore recommending that an interim scheme be put in place (to include these small changes) from 1 August 2015 until 31 July 2016.

### **RECOMMENDATIONS:**

- a. That there be no changes to the existing Members Allowances Scheme until 31 July 2016 except in the areas below.
- b. That the Vice Chairman of the Planning Committee receive a Special Responsibility Allowance for each deputised meeting that is one twelfth of the SRA paid to the Chairman of the Planning Committee.
- c. The payment of £15 per month for Broadband costs should cease for all Members as from 1 August 2015 with the expectation that these costs will be covered within the Basic Allowance.
- d. For Members using a Council iPad the payment of £75 as an IT allowance per year should cease as from 1 August 2015.
- e. For Members using their own digital devices the payment of £75 should continue as from 1 August 2015.
- f. For Members receiving paper copies of minutes and agendas but using their own equipment to communicate with the Council and their electorate by email, the payment of £75 per year should continue as from 1 August 2015.
- g. The Chairman's Allowance be included as a Special Responsibility Allowance within the Members Allowances Scheme and that £2323 be the amount paid for his or her constitutional role in chairing full Council meetings.
- h. Payments with regard to his or her Civic role should be paid retrospectively and only on production of a receipt/s.
- i. That the IRP re-examine expenses in relation to the Chairman's Civic role as part of the Fundamental Review.

**Relationship to Corporate Plan:** None

**Financial Implications:** The Panel's recommendations, if approved, will result in a saving to the Council of approximately £13k. This is made up of savings in relation to Broadband costs, the provision of Council rather than privately owned digital devices and printing and postage costs relating to committee agendas.

**Legal Implications:** The Local Authorities (Member's Allowances) Regulations 2003 require that an Independent Remuneration Panel consider Members Allowances and make recommendation to Council.

**Risk Assessment:** Failure to follow the Members Allowances Regulations could leave the Council open to challenge.

## **1.0 Introduction**

- 1.1 Following Council's approval of the Panel's recommendations on 29 April 2015, the Panel met again on 22 May 2015 to consider whether any changes were needed to the scheme in advance of a more Fundamental Review taking place over the next 12 months.
- 1.2 Having received bench marked information for their initial meeting in February 2015 they were keen to know why so many local authorities within the south west paid a Special Responsibility Allowance to Vice Chairmen of Planning Committees. They also wanted an understanding of the levels of IT allowances paid elsewhere. In addition to this they wanted to consider the Chairman's Allowance as well as provide clarification regarding tax and National Insurance as it affects all Members Allowances.
- 1.3 A full report of their considerations is attached at Appendix 1 and a revised scheme based upon their recommendations is attached at Appendix 2.

**Contact for more Information:** Amy Tregellas 01884 234246, Monitoring Officer or Sarah Lees 01884 234310, Member Services Officer

**Circulation of the Report:**

### Report of the Independent Remuneration Panel (IRP) to Mid Devon District Council

15 July 2015

#### 1.0 Introduction

1.1 The Panel made a number of recommendations regarding the Members Allowances Scheme to full Council on 29 April 2015 which were approved. In summary these were as follows:

- i. To extend the current scheme with no changes for a period of 3 months from the day after the District Council election until 31 July 2015.
- ii. To implement an interim scheme (which may include some minor changes to the current scheme and which will be presented to full Council for consideration on 15 July 2015) for the period between 1 August 2015 and 31 July 2016.
- iii. That a Fundamental Review be undertaken of Mid Devon's Members Allowances Scheme between August 2015 and Spring 2016 with a report presenting the Panel's views and findings coming before Council in July 2016. This will recommend a scheme of allowances from 1<sup>st</sup> August 2016 onwards.

1.2 Following the full Council meeting on 29 April 2015, the Panel met again on 22 May 2015 to consider the interim changes it felt were needed to the scheme (referred to in recommendation number two above). It was their view that these changes could not wait until a Fundamental Review had been completed.

The areas that the Panel felt needed to be further considered were as follows:

- Whether or not the Vice Chairman of the Planning Committee should receive a Special Responsibility Allowance (SRA).
- IT allowances.
- The Chairman of the Council's Allowance.
- Pyramid of responsibility – specifically, whether the weightings applied to the Basic Allowance for calculating Special Responsibility Allowances were still appropriate.
- Travel and Subsistence.
- Tax and NI contributions – what are the facts in relation to Members Allowances?

The Panel are recommending a number of minor changes to the scheme as a result of their deliberations, these are detailed below.

The Panel will meet again in September 2015 to scope a Fundamental Review of the whole Members Allowances Scheme. Over the next 12 months they will gather evidence from both new and returning Mid Devon Councillors as well as looking externally to other similar Councils in a benchmarking exercise.

- 1.3 The results of the Fundamental Review will be brought before Council in July 2016.

## **2.0 Consideration of interim changes**

### **2.1 Vice Chairman of the Planning Committee**

When the Panel met in February 2015 they were presented with benchmarking data from across the South West showing current figures in relation to Basic Allowances and Special Responsibility Allowances. When analysing these they were keen to know why almost half of those shown paid a Special Responsibility Allowance to Deputies or Vice Chairmen of Planning Committees. They requested that information be sought from those authorities paying such allowances as to the reasons why. The following represent some of the responses received:

#### **2.1.1 Council 1**

“The roles of the Chair and Vice Chair of Planning carry significant responsibility not only in Committee procedure but also in the frequency of the meetings, the amount of information and documents associated with decision-making and the increasing degree of public perception of the responsibility of the role.”

#### **2.1.2 Council 2**

“ The reasoning behind the allowance is due to the heavy responsibility of this position. This individual has to spend many hours visiting sites and working with the Chair.”

#### **2.1.3 Council 3**

“The original reasoning was around the complexity of the work they might have to do prior to a Committee if standing in for the Chair as often there is a great deal of correspondence relating to large or contentious applications.”

#### 2.1.4 Council 4

“The IRP last undertook a fundamental review in 2010. Please note that in the IRP report they recommended that SRAs for vice-chairs in any capacity should be deleted from the scheme. Their reasoning was as follows.....

*There is no substantial evidence in our view to support the role of a Committee, Executive or Council Vice Chair as a special responsibility. While there may be a learning opportunity in holding a position as Vice Chair, it is not immediately transparent that there are significant responsibility levels attached to such positions. We are therefore recommending that no such allowances be paid in future.*

When the IRP report was considered by Full Council, they agreed all the recommendations in the report with the exception of the removal of vice-chair SRAs. So therefore you will see that the IRP had been keen that vice-chairs should not receive an allowance but that members of the Council did not agree with this.”

#### 2.1.5 Council 5

“A Special Responsibility Allowance has been paid to the Deputy Chairman of Development Committee and all deputy posts since the regulations for awarding allowances came into effect in 2003.”

2.1.6 The Panel considered these responses whilst also being mindful that not all Councils are the same and some are more financially stable than others. In considering the role of Vice Chairman generally across the Council they felt that Planning Committee meetings are potentially the most public facing, long in length and potentially the most contentious. They were informed that there had two occasions in the previous 12 months where the Vice Chairman had had to deputise for the Chairman of the Planning Committee, both of these meetings had lasted between 5 and 6 hours.

The Panel considered whether a one off payment for each deputised meeting should be made or whether they should receive a pro rata payment based upon the number of scheduled meetings per year. In making their recommendation the Panel wanted above all else to make a proposal based upon fairness and equity. They also wanted to recommend a payment that was simple to administer. They also took into consideration the levels of SRA paid across the South West for this role.

2.1.7 **Recommendation:** That the Vice Chairman of the Planning Committee receive a Special Responsibility Allowance for each deputised meeting that is one twelfth of the SRA paid to the Chairman of the Planning Committee.

## 2.2 IT Allowances

The Panel were reminded of the current Mid Devon arrangements with regard to IT Allowances which were as follows:

*Members who have their own IT equipment will receive an annual payment of £75 per year plus a Broadband payment of £15.00 per month. Members who use Council IT equipment will not receive a one-off payment but will have their Broadband costs paid directly by the Council.*

2.2.1 Again the Panel had requested that information be sought from other authorities as to what their arrangements were regarding IT Allowances. The following provides examples of some of the responses received:

### 2.2.2 Council 1

“The basic allowance includes IT use and we currently provide laptops (and PDAs for Leader, Deputy Leader and Chairman) – reviewing our IT in July once Windows 10 has been rolled out.”

### 2.2.3 Council 2

“At the moment we don’t provide an IT allowance of any description. This is something that I hope to investigate for the future i.e. the provision of tablets or an HP type agreement where we buy them and let the Councillors pay us back at a monthly rate.”

### 2.2.4 Council 3

“All Councillors are entitled to receive a Basic Allowance of £3,605 per year. It is intended to recognise the time commitment made by all Councillors, and the incidental costs incurred by them, such as the use of their homes, telephone and postage costs and purchase of stationery and computer sundries. It also includes a notional amount of £100 for broadband connection.

That’s our only mention of IT. However, we’re still old hat. Members can request to loan a laptop from us. At the moment 14 out of 47 do so, the rest use their own devices.”

### 2.2.5 Council 4

“I believe that the IT allowance is now included in our members allowance so there is no specific sum allocated. They are expected to provide their own tablets.”

2.2.6 Having considered these responses the Panel made the comment that it is probably the case that elected Members have their own Broadband arrangements at home and that making a separate payment to them of £15 a month was probably an anachronism in this day and age. The Panel’s view



now was that the cost of Broadband should be covered by the Basic Allowance.

2.2.7 The Panel noted that 'times had moved on' since the last Fundamental Review and that the Council was now offering iPads to Members as a means of communication and of receiving agendas and minutes electronically. It was explained that there were very strict security arrangements in place with no access to the Council's network if this option was chosen. Approximately two thirds of the Members had elected to use a Council iPad. Some Members had wanted to continue using their own digital devices and some had elected to continue to receive paper copies but to communicate electronically with their own computer equipment.

**2.2.7 Recommendations:**

- a. The payment of £15 per month for Broadband costs should cease for all Members as from 1 August 2015 with the expectation that these costs will be covered within the Basic Allowance.
- b. For Members using Council iPad's the payment of £75 as an IT allowance per year should cease as from 1 August 2015.
- c. For Members using their own digital devices the payment of £75 per year should continue as from 1 August 2015.
- d. For Members receiving paper copies of minutes and agendas but using their own equipment to communicate with the Council by email, the payment of £75 per year should continue as from 1 August 2015.

**2.3 Chairman's Allowance**

The HMRC had visited the Council in 2014 and had strongly recommended that the Chairman's Allowance be shown as a Special Responsibility Allowance within the Members Allowance Scheme and not sit outside of the scheme as it had in the past. Their strong recommendation was that the Chairman's Allowance be split between the Constitutional role (i.e. chairing full Council meetings) and the Civic role. HMRC's view is that payments with regard to the Civic role should only be made when a receipt can be provided showing proof of expenditure. Any monies spent by the Chairman should, according to the HMRC, be treated as a 'benefit in kind' and therefore be liable to tax.

2.3.1 In recommending an amount for the Chairman's SRA, the Panel felt comfortable in applying a weighting of 0.50 upon the Basic Allowance.

2.3.2 The point was made that at present the Panel are unaware of how much expenditure is actually incurred by the Chairman in carrying out his or her Civic duties. They therefore intend to include further analysis of this as part of the Fundamental Review.

### 2.3.3 Recommendations:

- a. That the Chairman's Allowance be included as a Special Responsibility Allowance within the Members Allowances Scheme and that £2323 be the amount paid for his or her Constitutional role in chairing full Council meetings.
- b. Payments with regard to his or her Civic role should be paid retrospectively and only on production of a receipt/s.
- c. That the IRP re-examine expenses in relation to the Chairman's Civic role as part of the Fundamental Review.

### 2.4 Pyramid of Responsibility

After careful consideration the Panel felt comfortable, ahead of the Fundamental Review, with the current weightings applied to the various positions attracting a Special Responsibility Allowance.

### 2.5 Travel and Subsistence

There was no change to the Panels view presented in their report to Council on 29 April 2015. That is, that the reimbursement of approved mileage be linked to the rates published by HMRC.

These are currently as follows:

- 45p per mile for the first 10,000 miles pa.
- 25p per mile for mileage over 10,001 miles pa.
- Passenger rate is 5p per passenger per mile (max 4 passengers per journey).
- Bicycle allowance: 20p per mile.

Any increases or decreases to these rates should automatically be reflected in the payment to Members in the future.

The Panel continues to recommend that subsistence allowances should be the same as for employees and be increased each year in line with the RPI.

These are currently as follows:

- Breakfast – £6.83
- Lunch - £9.43
- Tea - £3.71
- Dinner – 11.68

## 2.6 Clarification regarding Tax and NI

The Panel felt that the Members Allowances Scheme could give more clarity in terms of Income tax and NI contributions.

- 2.6.1 **Recommendation:** That the wording clarifying Tax and NI be added to the Members Allowances Scheme (Attached as Appendix 2)

## 3.0 **Other areas of the Members Allowances Scheme**

### 3.1 Basic Allowance

**Recommendation:** Keep the Basic Allowance at the current level of £4645 (see Appendix 2) until July 2016 but to include all uplifts in relation to any staff pay awards as previously agreed by Council.

### 3.2 Special Responsibility Allowances

**Recommendation:** Keep all Special Responsibility Allowances at the current levels (see Appendix 2) until July 2016 but to include all uplifts in relation to any staff pay awards as previously agreed by Council

### 3.3 Carers' Allowances

**Recommendation:** Keep the Carer's Allowance at the same level until July 2016 as previously agreed by Council.

### 3.4 Pensions

**Recommendation:** There was no change to the Panel's previous recommendation that Members of the Authority are not entitled to pensions (and therefore that neither the Basic Allowance nor the SRA be treated as allowances in respect of which pensions are payable). Council supported this view in April 2015.

## 4.0 **Recommendations of the Panel:**

That Council approve the revised Members Allowances Scheme, (which is attached as Appendix 2) and contains the following changes:

- a. That there be no changes to the existing Members Allowances Scheme until 31 July 2016 except in the areas below.
- b. That the Vice Chairman of the Planning Committee receive a Special Responsibility Allowance for each deputised meeting that is one twelfth of the SRA paid to the Chairman of the Planning Committee.

- c. The payment of £15 per month for Broadband costs should cease for all Members as from 1 August 2015 with the expectation that these costs will be covered within the Basic Allowance.
- d. For Members using a Council iPad the payment of £75 as an IT allowance per year should cease as from 1 August 2015.
- e. For Members using their own digital devices the payment of £75 should continue as from 1 August 2015.
- f. For Members receiving paper copies of minutes and agendas but using their own equipment to communicate with the Council and their electorate by email, the payment of £75 per year should continue as from 1 August 2015.
- g. The Chairman's Allowance be included as a Special Responsibility Allowance within the Members Allowances Scheme and that £2323 be the amount paid for his or her constitutional role in chairing full Council meetings.
- h. Payments with regard to his or her Civic role should be paid retrospectively and only on production of a receipt/s.
- i. That the IRP re-examine expenses in relation to the Chairman's Civic role as part of the Fundamental Review.

#### Panel Members

- Paul Baker
- Jonathan Rich
- Karen Stone
- Richard Watkins
- Sylvia Vallis

July 2015



## MEMBERS' ALLOWANCES SCHEME 2015 - 2016

The Mid Devon District Council, in exercise of the powers conferred by the Local Authorities (Members' Allowances) Regulations 2003, hereby makes the following scheme:

1. This scheme may be cited as the Mid Devon District Council Members' Allowances Scheme, and shall have effect for the period 1<sup>st</sup> August 2015 until the 31<sup>st</sup> July 2016.

2. In this scheme

"Councillor" means a Member of the Mid Devon District Council who is Councillor;

### **Basic Allowance**

3. Subject to paragraph 8, from 1<sup>st</sup> August 2015 a Basic Allowance of £4,645 shall be paid to each Councillor. Any increases thereafter will be linked to the staff pay award until the next fundamental review.

### **Special Responsibility Allowances**

4. (i) For each year a Special Responsibility Allowance shall be paid to those Councillors who hold the Special Responsibilities in relation to the Authority that are specified in the Schedule to this scheme.

(ii) Subject to paragraph 6, the amount of each such Allowance shall be the amount specified against that Special Responsibility in that Schedule.

(iii) No Councillor is entitled to claim more than one Special Responsibility Allowance.

### **Renunciation**

5. A Councillor may, by notice in writing given to the Head of Finance, elect to forego any part of his/her entitlement to an Allowance under this scheme.

### **Part-Year Entitlements**

6. (i) The provisions of this paragraph shall have effect to regulate the entitlements of a Councillor to Basic and Special Responsibility Allowances where, in the course of a year, this scheme is amended or that Councillor becomes, or ceases to be, a Councillor, or accepts or relinquishes a Special Responsibility in respect of which a Special Responsibility Allowance is payable.

(ii) If an amendment to this scheme changes the amount to which a Councillor is entitled by way of a Basic Allowance or a Special Responsibility Allowance, then in relation to each of the periods:

(a) Beginning with the year and ending with the day before that on which the first amendment in that year takes effect; or

- (b) Beginning with the day on which an amendment takes effect and ending with the day before that on which the next amendment takes effect, or (if none) with the year.
7. The entitlement to such an Allowance shall be to the payment of such part of the amount of the Allowance under this scheme as it has effect during the relevant period as bears to the whole the same proportion as the number of the days in the period years to the number of days in the year.
- (iii) Where the term of office of the Councillor begins or ends otherwise than at the beginning or end of a year, the entitlement of that Councillor to a Basic Allowance shall be to the payment of such part of the Basic Allowance as bears to the whole the same proportion as the number of days during which his term of office subsists bears to the number of days in that year.
- (iv) Where this scheme is amended as mentioned in sub-paragraph (ii), and the term of office of the Councillor does not subsist throughout the period mentioned in sub-paragraph (ii)(a), the entitlement of any such Councillor to a Basic Allowance shall be to the payment of such part of the Basic Allowance referable to each such period (ascertained in accordance with that sub-paragraph) as bears to the whole the same proportion as the number of days during which his term of office as a Councillor subsists bears to the number of days in that period.
- (v) Where a Councillor has during part of, but not throughout a year, such Special Responsibilities as entitle him or her to a Special Responsibility Allowance, that Councillor's entitlement shall be to payment of such part of that Allowance as bears to the whole the same proportion as the number of days during which he has such Special Responsibilities bears to the number of days in that year.
- (vi) Where this scheme is amended as mentioned in sub-paragraph (ii), and a Councillor has during part, but does not have throughout the whole, of any period mentioned in sub-paragraph (ii)(a) of that paragraph any such Special Responsibilities as entitle him or her to a Special Responsibility Allowance, that Councillor's entitlement shall be to payment of such part of the Allowance referable to each such period (ascertained in accordance with that sub-paragraph) as bears to the whole the same proportion as the number of days in that period during which he or she has such Special Responsibilities bears to the number of days in that period.

### **Carers' Allowance**

8. A Carers' Allowance of the actual expenditure incurred up to a maximum of the minimum wage of a person over 21 years of age or the actual cost of childcare at an accredited Nursery, will be paid for care of dependants whether children, elderly people or people with disabilities to Members whilst carrying out approved duties. The maximum period of the entitlement will be the duration of the approved duty and reasonable travelling time. The Allowance will not be payable to a Member of the claimant's own household. The Carers' (reasonable) expenses will be paid.

### **Travelling and Subsistence Allowances**

9. Travelling and subsistence allowances will be paid in accordance with the scales of allowance set out in schedule to this scheme in connection with or relating to such duties as are within one or more of the following categories:
- (a) the attendance at a meeting of the authority or of any committee or sub committee of the authority, or of any other body to which the authority makes appointments or nominations, or of any committee or sub committee of such a body;

- (b) the attendance at any other meeting, the holding of which is authorised by the authority, or a committee or sub-committee of the authority, or a joint committee of the authority and one or more local authority within the meaning of section 270(1) of the Local Government Act 1972, or a sub-committee of such a joint committee provided that it is a meeting to which members of at least two such groups have been invited,
- (c) the attendance at a meeting of any association of authorities of which the authority is a member;
- (d) the performance of any duty in pursuance of any standing order made under section 135 of the Local Government Act 1972 requiring a member or members to be present while tender documents are opened;
- (e) the performance of any duty in connection with the discharge of any function of the authority conferred by or under any enactment and empowering or requiring the authority to inspect or authorise the inspection of premises;
- (f) any conference or meeting of any body where the Council or a Committee have agreed to send a representative;
- (g) as a member of a deputation approved by the authority, a committee or sub committee;
- (h) the Chairman or Vice Chairman of the authority, Committees or Policy Development Groups at meetings with a Chief Officer where Council or Committee business is discussed;
- (i) the Chairman of the Council and Chairmen of Committees acting in such capacity at meetings of Parish Councils;
- (j) Civic Receptions and other social functions;
- (k) Members attending meetings of Parish Councils within their Wards, or as Ward Member at meetings at the request of a Parish Council; and
- (l) the carrying out of any other duty approved by the authority, or any duty of a class so approved, for the purpose of, or in connection with, the discharge of the functions of the authority or of any of its committees or sub-committees.

### **Payments**

10. (i) Payments shall be made in respect of Basic and Special Responsibility Allowances, subject to sub-paragraph (ii), in instalments of one twelfth of the amount specified in this scheme on the 22<sup>nd</sup> day of each month.
- (ii) Where a payment of one twelfth of the amount specified in this scheme in respect of a Basic Allowance or a Special Responsibility Allowance would result in the Councillor receiving more than the amount to which, by virtue of paragraph 8, he or she is entitled, the payment shall be restricted to such amount as will ensure that no more is paid than the amount to which he or she is entitled.
- (iii) Members who have their own IT equipment will receive a one-off payment of £75 per year. Members who use Council IT equipment will not receive a one-off payment.

## **Claims**

11. Claims for the payment of dependent carers' allowance and travelling and subsistence allowances must be made by the person to whom they are payable within two months of the date on which an entitlement to such allowance arises. Such claims must be evidenced by relevant receipts.

## **Pensions**

12. None of the allowances contained within this scheme shall be eligible for inclusion within the Local Government Pension Scheme.

## **Tax and Benefits**

### **13. Income Tax**

- a) Basic, Special Responsibility and Carers Allowances are subject to Income Tax as they are payments made in respect of the duties of an office.
- b) The HMRC is notified of the names and addresses of all Members who claim taxable allowances. Tax is deducted at basic rate until the HMRC notified the Council of the appropriate tax code for each Member.
- c) Some expenses incurred by Members in the course of their Council duties may be deductible against tax. Any Member who believes that some of his/her expenses as a Member may be tax deductible should contact his/her Tax Office.

### **14. National Insurance Contributions**

- a) Basic, Special Responsibility and Carers Allowance payments will attract National Insurance (NI) Contributions at levels that vary depending on the total earnings of Members.
- b) Some Members may not be liable to any NI Contributions on Allowances if they are over the state retirement age; in accordance with prevailing legislation. See the Government website for more information. <https://www.gov.uk/tax-national-insurance-after-state-pension-age>
- c) Some Members, who are married women or widows who have elected to pay reduced rate NI Contributions may also need to have the NI Contributions on Allowances calculated at a reduced rate.
- d) Members who are self-employed may also be subject to different levels of NI Contributions.
- e) Members who believe that they fall into any of the above categories should contact the Head of Finance who will seek further information to assist with the query. Members should also obtain the appropriate certificates from the Department of Work and Pensions (DWP).

## **Chairman's Civic Budget**

15. A small budget (not exceeding £2,000 and to be agreed each year during the budget setting process) be allocated to the Chairman of the Council for civic functions.

Payments with regard to his or her Civic role should be paid retrospectively and only on production of a receipt/s



### **IT Allowances**

16. IT allowances will be paid or kit provided as follows:
- a) a Council iPad; or .
  - b) For Members using their own digital devices a payment of £75 per year will be made; or
  - c) For Members receiving paper copies of minutes and agendas but using their own equipment to communicate with the Council and their electorate by email, a payment of £75 per year will be made.

**DATED** this 15<sup>th</sup> day of July 2015

## SCHEDULE

With effect from 1<sup>st</sup> August 2015, the following are specified as Special Responsibilities in respect of which Special Responsibility Allowances are payable, and the amounts of those Allowances:

Leader of the Council	£13,935
Deputy Leader of the Council	£6,968
Cabinet Member	£5,806
Chairman of Scrutiny Committee	£5,806
Chairmen of Policy Development Groups	£3,484
Chairman of Audit Committee	£3,484
Chairman of the Planning Committee	£5,806
Chairman of the Licensing/Regulatory Committee	£2,323
Chairman of the Standards Committee	£1,125
Chairman of the Council	£2,323
Vice Chairman of the Planning Committee	£484 (one twelfth of the SRA paid to the Chairman of the Planning Committee, per deputised meeting)

With effect from 1<sup>st</sup> August 2015, the following amounts are specified as the amounts of allowance payable in respect of travelling and subsistence arising from those approved duties set out within this scheme:

(a) Travelling Allowances:

- 45p per mile for the first 10,000 miles
- 25p per mile thereafter
- 5p per mile per passenger carried (up to a maximum of 4 passengers, payable to the driver)
- 20p per mile for bicycles

(b) Subsistence Allowances

Breakfast	£6.83
Lunch	£9.43
Tea	£3.71
Dinner	£11.68

All claims for subsistence must be accompanied by a receipt. The maximum allowance will only be paid where the cost of subsistence is equal to, or greater than, the maximum allowance.

**FOR INFORMATION AND CLARIFICATION - NOT PART OF THE APPROVED SCHEME**

**ELIGIBILITY TO ALLOWANCES AND EXPENSES**

**ALLOWANCES CLAIMABLE**

Description of Approved Duty	Carers' Allowance	Travel & Subsistence
<p>1. (a) Meetings of Council, Cabinet, Policy Development Groups, Audit, Scrutiny and Regulatory Committees (Members of Committees or Substitutes)</p> <p>(b) Non-Committee Members attending</p>	<p>YES</p> <p>YES</p>	<p>YES</p> <p>YES</p>
<p>2. Meetings of bodies to which the Authority makes appointments, or of Cabinet, Policy Development Groups, Audit, Scrutiny and Regulatory Committees</p>	<p>YES</p>	<p>YES</p>
<p>3. Any meeting authorised by the Authority, Cabinet, Policy Development Groups, Audit, Scrutiny or Regulatory Committees to which duly appointed representatives of more than one Political Group have been appointed</p> <p>Non-duly appointed Members</p>	<p>YES</p> <p>NO</p>	<p>YES</p> <p>YES</p>
<p>4. A meeting of a Local Authority Association</p>	<p>YES</p>	<p>YES</p>
<p>5. Any conference or meeting of any body where the Council or a Committee have agreed to send a representative</p>	<p>YES</p>	<p>YES</p>
<p>6. (a) Any visits or inspections undertaken by Members, approved by the Authority or any Cabinet, Policy Development Groups, Audit, Scrutiny or Regulatory Committees. (Members of Committee or Substitutes)</p> <p>(b) Non-Committee Members attending by invitation of the Cabinet, Policy Development Group, Audit, Scrutiny and regulatory Committees.</p> <p>(c) Non-Committee Members attending uninvited</p>	<p>YES</p> <p>YES</p> <p>NO</p>	<p>YES</p> <p>YES</p> <p>YES</p>
<p>7. As a Member of a deputation approved by the Authority, the Cabinet, Policy Development Group, Audit, Scrutiny or Regulatory Committees.</p>	<p>YES</p>	<p>YES</p>

8.	By Chairman or Vice-Chairman of the Authority, Cabinet, Policy Development Group, Audit, Scrutiny and Regulatory Committees at meetings with a Chief Officer where Council or Committee business is discussed	YES	YES
9.	By Chairman of the Council and Chairman of Committees acting in such capacity at meetings of Parish Councils	YES	YES
10.	For any particular duty for which express authority from time to time is given by the Authority or in case of emergency by the Chairman or Vice-Chairman of the Authority	NO	YES
11.	Civic Receptions and other social functions	NO	YES
12.	Members attending meetings of Parish Councils within their Wards, or as Ward Member at meetings at the request of a Parish Council	NO	YES

Notes:

- (1) In all cases, the duties for which claims are made must have been approved prior to the event.
- (2) Meetings (3 above) includes Working Groups, approved seminars, and Briefing meetings where more than one Political Group is invited
- (3) Other Briefing meetings fall within (8) above.