

Public Document Pack

Prior to the meeting at 5.30pm the Chairman will make a presentation to Mr Mike Lowman (Building Maintenance Supervisor) who has completed 25 years service with the District Council

MID DEVON DISTRICT COUNCIL

A MEETING of the **MID DEVON DISTRICT COUNCIL** will be held in the Council Chamber, Town Hall, Tiverton on Wednesday, 9 September 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:

[An Extraordinary Meeting of the Council will take place on the rising of the Council meeting]



KEVIN FINAN
Chief Executive

3 September 2015

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

Reverend Peter Daw, Bethel Pentecostal Church, Tiverton will lead the Council in prayer.

AGENDA

- 1 **Apologies**
To receive any apologies for absence.
- 2 **Minutes** (*Pages 5 - 16*)
To approve as a correct record the Minutes of the Meeting of Council on 15 July 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.

6 **Notices of Motions**
(1) Motion 522 (Councillor Mrs N Woollatt 25 May 2015)
The following motion had been referred to the Managing the Environment Policy Development Group for consideration and report:

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.

The Policy Development Group at its meeting on 4 August 2015 considered the proposal and recommended that it be supported and subject to Council approval a working group be put in place to explore the subject.

7 **Committee reports** (*Pages 17 - 88*)

- (1) Cabinet
 - 30 July 2015
 - 7 August 2015
 - 27 August 2015
- (2) Scrutiny Committee
 - 10 August 2015
 - 24 August 2015
- (3) Audit Committee
 - 28 July 2015
- (4) Managing the Environment Policy Development Group
 - 4 August 2015
- (5) Decent and Affordable Homes Policy Development Group
 - 11 August 2015
- (6) Community Well-Being Policy Development Group
 - 18 August 2015
- (7) Planning Committee
 - 29 July 2015
 - 26 August 2015
- (8) Licensing Committee
 - 3 September 2015 (to follow)

- (9) Regulatory Committee
- 3 September 2015 (to follow)

8 **Questions**

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

9 **Appointment**

It is recommended that, in preparation for the Police and Crime Commissioner Elections in May 2016, the Head of Housing and Property Services be appointed as interim Electoral Registration Officer and interim Returning Officer in accordance with Sections 8 and 35 of the Representation of the People Act 1983. This appointment would take effect from 14th September 2015 and would be reviewed after May 2016.

10 **Outside Body representation - Local Delivery Group advising the Tiverton Children's Centre**

To appoint a Member to the Local Delivery Group which advises the Tiverton Children's Centre (meets four times a year).

11 **State of the District Debate**

The Leader has requested that Members discuss the subject for the State of the District Debate.

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.

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 15 July 2015 at 6.00 pm

Present Councillors

Mrs E M Andrews, Mrs H Bainbridge,
Mrs R Berry, 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, Mrs J Roach,
F J Rosamond, Mrs E J Slade,
Miss C E L Slade, C R Slade, J Smith,
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

R F Radford

15 **Apologies**

Apologies were received from Councillor R F Radford.

16 **Minutes**

The minutes of the Annual Meeting of the Council held on 20 May 2015 were agreed as a correct record and signed by the Chairman.

17 **Chairman's Announcements (00-01-55)**

The Chairman reminded Members that an "Away Day" would take place on Friday 31 July at 10.00am in Phoenix House; the main item on the agenda would be the Corporate Plan.

18 **Public Question Time**

There were no members of the public present.

19 **Petitions (00-02-34)**

There were no petitions from members of the public.

20 **Notices of Motions (00-02-45)**

(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.

Following discussion, and in accordance with Procedure Rule 15.6(a) Councillor Mrs J Roach requested that the Motion be amended to remove reference to planning policy and therefore the Motion would state :

That this Council resolves to write to the Secretary of State for DCLG to seek consideration of the following issues:

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.

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

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.

The **MOTION** was **MOVED** by Councillor Mrs N Woollatt and seconded by Councillor Mrs J Roach.

In accordance with Procedure Rule 13.4, the Chairman of the Council had ruled that this Motion to be dealt with at this meeting.

Following debate and in accordance with Procedure Rule 15.6(a) Councillor N Woollatt requested that the Motion be amended to remove reference to animal feed and therefore the Motion would state:

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 composting or waste to energy. Furthermore, that any such policy also be extended to include food manufacturers and producers.

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

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.

The **MOTION** was **MOVED** by Councillor Mrs N Woollatt and seconded by Councillor Mrs J Roach.

In accordance with Procedure Rule 13.4, the Chairman of the Council had ruled that this **MOTION STAND REFERRED** to the Managing the Environment Policy Development Group.

21 **Cabinet Report - Meeting held on 4 June 2015 (00-19-50)**

The Leader presented the report of the meeting of the Cabinet held on 4 June 2014.

Arising thereon:-

(1) **Communication Strategy and Media and Social Media Protocol** (Min 10)

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

“THAT the recommendation of the Cabinet as set out in Minute 10 be **ADOPTED”**.

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

22 **Cabinet - Report - Meeting held on 2 July 2015 (00-22-33)**

The Leader presented the report of the meeting of the Cabinet held on 2 July 2015.

Arising thereon:-

(1) **Housing Service Harassment Policy** (Min 20)

The Leader **MOVED**, seconded by Councillor R L Stanley:-

“THAT the recommendation of the Cabinet as set out in Minute 20 be **ADOPTED”**.

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

(2) **Housing Service Domestic Abuse Policy** (Min 21)

The Leader **MOVED**, seconded by Councillor R L Stanley:-

“THAT the recommendation of the Cabinet as set out in Minute 21 be **ADOPTED”**.

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

(3) **Housing Service Hoarding Policy** (Min 22)

The Leader **MOVED**, seconded by Councillor R L Stanley:-

“THAT the recommendation of the Cabinet as set out in Minute 21 be **ADOPTED”**.

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

Note: Councillor T W Snow requested that his abstention from voting on this matter be recorded.

(4) **Compensation Policy** (Min 24)

The Leader **MOVED**, seconded by Councillor R L Stanley:-

“THAT the recommendation of the Cabinet as set out in Minute 24 be **ADOPTED”**.

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

(5) **Planning Policy Procedure** (Min 27)

The Leader **MOVED**, seconded by Councillor R J Chesterton:-

“THAT the recommendation of the Cabinet as set out in Minute 27 be **ADOPTED”**.

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

Note: With regard to Minute 25 (Tenant Involvement Policy) of the Cabinet report, Councillor Mrs E M Andrews declared a personal interest as a council tenant.

23 **Scrutiny Committee - Report - Meeting held on 15 June 2015 (00-38-39)**

The Chairman of the Scrutiny Committee presented the report of the meeting of the Committee held on 15 June 2015.

Councillor Mrs J Roach raised issues with regard to Minute 13 and requested that it be referred back for further consideration.

Councillor Mrs J Roach **MOVED** in accordance with Procedure Rule 18.4:

“THAT the vote in respect of this item shall be by Roll Call”.

There being more than 10 members in favour of the **PROCEDURAL MOTION** that was **AGREED** by the Council

A roll call of Members present at the meeting was then taken.

Those voting **FOR** the **MOTION:** Councillors R M Deed, R J Dolley, J M Downes, Mrs S Griggs, D J Knowles, F W Letch, Mrs J Roach J L Smith, L D Taylor N A Way, Mrs N Woollatt and R Wright.

Those voting **AGAINST** the **MOTION**: Mrs E M Andrews, Mrs H Bainbridge, Mrs A R Berry, Mrs J B Binks, R J Chesterton, Mrs C A Collis, Mrs F J Colthorpe, D R Coren, N V Davey, Mrs C P Daw, W J Daw, Mrs G Doe, C J Eginton, R Evans, S G Flaws, P H D Hare-Scott, P J Heal, T G Hughes, Mrs B M Hull, B A Moore, F J Rosamond, C R Slade, Miss C E L Slade, Mrs E Slade, J D Squire, Mrs M E Squires and R L Stanley

Those abstaining from voting: Councillor T W Snow.

The **MOTION** was declared to have **FAILED**.

24 Scrutiny Committee - Report - meeting held on 13 July 2015 (00-53-15)

The Chairman of the Scrutiny Committee presented the report of the meeting of the Committee held on 13 July 2015.

25 Audit Committee - Report - Meeting - held on 23 June 2015 (00-54-49)

The Chairman of the Audit Committee presented the report of the meeting of the Committee held on 23 June 2015.

26 Managing the Environment Policy Development Group - Report - Meeting held on 9 June 2015 (00-55-23)

The Chairman of the Managing the Environment Policy Development Group presented the report of the meeting of the Group held on 9 June 2015.

27 Decent and Affordable Homes Policy Development Group - Meeting - held on 16 June 2015 (00-56-50)

The Chairman of the Decent and Affordable Homes Policy Development Group presented the report of the meeting of the Group held on 16 June 2015.

28 Community Well-Being Policy Development Group - Report - Meeting held on 30 June 2015 (1-05-11)

The Chairman of the Community Well Being Policy Development Group presented the report of the meeting of the Group held on 30 June 2015.

29 Planning Committee - Report - Meeting held on 3 June 2015 (1-06-15)

The Chairman of the Planning Committee presented the report of the meeting of the Committee held on 3 June 2015

30 Planning Committee - Report - Meeting 1 July 2015 (1-07-03)

The Chairman of the Planning Committee presented the report of the meeting of the Committee held on 1 July 2015.

31 Standards Committee - Report - Meeting - held on 28 April 2015 (1-07-47)

The previous Chairman of the Standards Committee presented the report of the meeting of the Committee held on 28 April 2015.

32 **Questions (1-09-16)**

There were no questions submitted under Procedure Rule 12.2.

33 **The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 (1-09-08)**

The Council had before it a *report of the Chief Executive recommending changes to the Council's Constitution following recent legislation.

The Chief Executive outlined the contents of the report stating that following legislation introduced on 25 March 2015, every local authority was 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. However, currently, specific information as to the role of an investigating officer and how this role would interact with the panel had not been given. There was also an outstanding issue in that, at present, the disciplinary procedures for the Chief Executive was a contractual one and negotiations on a national level were yet to be had. Clarification was being sought with regard to these matters.

The Chairman **MOVED, THAT:**

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.

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

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

34 **Independent Remuneration Panel Report - June 2015 (1-12-42)**

The Council had before it a *report of the Head of Communities and Governance and Monitoring Officer informing Members of recommendations from the interim review undertaken by the Independent Remuneration Panel.

The Monitoring Officer outlined the contents of the report stating that 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 undertook 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 considered that there were a number of areas within the current scheme which would need amending in the short term and were therefore recommending that an interim scheme be put in place (to include these small changes) from 1 August 2015 until 31 July 2016.

Consideration was given to:

- The special responsibility allowance for the Vice Chairman of the Planning Committee when deputising and whether one twelfth of the SRA paid to the Chairman was excessive.
- Broadband payments.
- The need to use additional equipment alongside the iPad and that Members were in a period of transition and therefore did not wish the £75 IT allowance to be removed at the present time and that this issue be considered within the fundamental review.
- HMRC implications for the Chairman's allowance.

Councillor Miss C E L Slade **MOVED**, seconded by Councillor B A Moore **THAT:**

(a) That there be no changes to the existing Members Allowances Scheme until 31 July 2016 except in the areas below.

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

The Chairman **MOVED, THAT:**

(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.

Upon a vote being taken, the **MOTION** was declared to have **FAILED**.

The Chairman **MOVED, THAT:**

(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.

Upon a vote being taken, the **MOTION** was declared to have **FAILED**.

Notes:

(i) Councillors R J Dolley, Mrs J Roach, F J Rosamond, J L Smith, T W Snow, and Mrs N Woollatt requested that their vote against the decision be recorded;

(ii) Councillors Mrs A R Berry and Mrs F J Colthorpe requested that their abstention from voting be recorded.

The Chairman **MOVED, THAT:**

(d) For Members using a Council iPad the payment of £75 as an IT allowance per year should cease as from 1 August 2015.

Upon a vote being taken, the **MOTION** was declared to have **FAILED**.

Note: Councillors: Mrs J B Binks, Mrs F J Colthorpe, J M Downes, Mrs J Roach, F J Rosamond, L Taylor, J L Smith, and Mrs N Woollatt requested that their abstention from voting be recorded;

The Chairman **MOVED, THAT:**

(e) For Members using their own digital devices the payment of £75 should continue as from 1 August 2015.

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

Note: Councillors: Mrs F J Colthorpe, P J Heal, Mrs J Roach and J L Smith requested that their abstention from voting be recorded.

The Chairman **MOVED, THAT:**

(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.

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

Notes:

(i) Councillors R J Dolley, Mrs S Griggs, Mrs J Roach and J L Smith requested that their vote against the decision be recorded;

(ii) Councillors Mrs F J Colthorpe, J M Downes, P J Heal, B A Moore, F J Rosamond and L Taylor requested that their abstention from voting be recorded.

Councillor Mrs J Roach **MOVED**, seconded by Councillor B A Moore, **THAT:**

(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.

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

Note: Councillors: W J Daw and T G Hughes requested that their abstention from voting be recorded.

Councillor Mrs J Roach **MOVED**, seconded by Councillor B A Moore, **THAT:**

(h) Payments with regard to his or her Civic role should be paid retrospectively and only on production of a receipt/s.

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

Note: Councillors: W J Daw and T G Hughes requested that their abstention from voting be recorded.

Councillor F J Rosamond **MOVED**, seconded by Councillor N V Davey, **THAT:**

(i) That the IRP re-examine expenses in relation to the Chairman's Civic role as part of the Fundamental Review.

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

Note:

(i) Councillors: W J Daw and T G Hughes requested that their abstention from voting be recorded;

(ii) *Report previously circulated, copy attached to minutes.

35 Ungrouped vacancy - Planning Policy Advisory Group (1-56-48)

Following the resignation of Councillor Mrs J Roach from the Planning Policy Advisory Group, it was necessary to fill the vacancy with a Member of the Ungrouped Councillor D J Knowles had previously shown an interest in this position.

Councillor Mrs N Woollatt **MOVED**, seconded by Councillor R J Dolley **THAT:**

Councillor D J Knowles fill the vacancy on the Planning Policy Advisory Group.

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

36 Questions to Cabinet Members (1-57-34)

1. Councillor Mrs N Woollatt asked the Cabinet Member for Finance: Does this authority have any LOBO (Lender Option Borrower Option) loans and if so what are the terms?

The Cabinet Member for Finance stated that a LOBO loan (Lender Option Borrower Option) was typically taken out for lengthy period - e.g. 40 - 70 years. The initial interest rate is fixed and usually offered at a rate that under cuts the prevailing rate being offered to Councils by the PWLB. However, the lender has a future option to increase this interest rate at pre-determined times (usually every 5 years). The borrower then has the "option" to decide whether it will accept the new rate or repay the entire loan. The Council would also be faced with a "break penalty" if it chooses to exit the loan at an early stage. These are often considerable amounts. The complication and therefore pricing uncertainty makes it very difficult to assess at the outset how to value these loans.

Currently there are around 200 Councils with circa £15bn of LOBO loans - allegedly some of these loans are now based on interest of around 7%!

Mid Devon District Council has no LOBO loans and currently only borrows at fixed rates of interest from the PWLB. We have 5 loans totalling £47.3m - most of this principle sum relates to the £46.6m we borrowed to purchase our Housing stock.

2. Councillor J L Smith asked the Leader: following two recent events it is becoming ever apparent that there is a shortfall in the number of police officers in Mid Devon, specifically, the criminal damage to the flower beds in Tiverton and the release of a driver following a positive breath test in Cullompton. I have little doubt that these instances further undermine the confidence of the Mid Devon residents in the ability of Devon and Cornwall Police to provide an effective service. Will the Leader of the

Council write to the Chief Constable of Devon and Cornwall Police asking what assurances he will give and what measures he will take to guarantee that in the future the residents of Mid Devon will be provided with an effective and robust front line police force to ensure their safety.

The Leader stated that he would take on board the concerns and would write to the Chief Constable and relay any response to all Members.

3. Councillor Mrs J Roach asked the Leader when he intended to hold the State of the District Debate.

The Leader stated that he had asked for an item to be put on the next agenda for a discussion to take place with regard to the subject of the debate. He asked that Members come forward with ideas before the next meeting.

4. Councillor F W Letch asked the Chief Executive the meaning of silo working as identified in the Communication Strategy discussed earlier in the meeting.

The Chief Executive explained that silo working meant that departments of the Council did not talk to other departments.

5. Councillor N A Way addressing the Leader stated that he was pleased that partnership working was being discussed with other authorities, specifically North Devon with regard to ICT. Could Members pleased be kept informed of other of further discussions with other authorities?

The Leader stated that Members would be kept informed of any future discussions with regard to this matter.

The Cabinet Member for Community-Well-Being outlined an event that had taken place between Mid and North Devon ICT staff to which he had attended.

37 Members Business (2-05-56)

Councillor F J Rosamond informed Members that he had taken part in a media training day which had been organised for Members; he felt it was an excellent exercise and would recommend it to other.

(The meeting ended at 8.09 pm)

CHAIRMAN

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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **CABINET** held on 30 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

Councillor(s)

R M Deed, R F Radford, Mrs J Roach and F J Rosamond

Also Present

Officer(s):

Kevin Finan (Chief Executive), Andrew Jarrett (Head of Finance), Amy Tregellas (Head of Communities and Governance and Monitoring Officer), Jenny Clifford (Head of Planning and Regeneration), Jill May (Head of HR and Development), Liz Reeves (Head of Customer Services), Chris Shears (Economic Development Officer) and Julia Stuckey (Member Services Officer)

30. **APOLOGIES**

There were no apologies received

31. **PUBLIC QUESTION TIME**

There were no members of the public present.

32. **MINUTES OF THE PREVIOUS MEETING**

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

33. **COMMUNITY SAFETY PARTNERSHIP PLAN**

Arising from a report * of the Head of Housing and Property Services and a recommendation from the Community Well-Being Policy Development Group, the PDG had recommended that the Cabinet approve the new priorities within the report and supports the Community Safety Partnership (CSP) in delivering safety messages to the communities of Mid Devon.

The Cabinet Member for Working Environment and Support Services outlined the contents of the report regarding the CSP and the priority areas of work on the CSP Plan for 2015 to 2017.

She further 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).

Discussion took place regarding:

- The types of crime experienced in Mid Devon;
- The reduction in Police funding and staffing levels;
- A 'pop up shop' that had been established in Tiverton to inform the public about on line scams;
- Funding for policing being lower in rural areas and the fact that the Police and Crime Commissioner was campaigning against this;
- Crime nationally and locally being on the decrease;
- Targeting the cause of crime rather than the symptom.

RESOLVED that the recommendation of the Community Well-Being Policy Development Group be approved.

(Proposed by the Chairman)

34. **PERFORMANCE AND RISK: RECOMMENDATION FROM THE SCRUTINY COMMITTEE (00.15.21)**

Following discussions at the meeting of the Scrutiny Committee on 13 July 2015 regarding performance and risk, the Committee had recommended that the following area be identified as a matter of concern:

- Performance for Listed Buildings and Conservation Area Consents.

The Cabinet Member for Planning and Regeneration informed the Committee that the Article 4 Direction, which had been delayed, would be presented to the Cabinet at its meeting at the end of August and that some of the delay had been caused due to waiting for guidance to be published.

He further outlined the current situation with the Manor Hotel at Cullompton, explaining that the Scrutiny Committee had recommended that a meeting of interested parties be convened. This had taken place with local Councillors, Ward Members, Planning Officers, Conservation Officers, Highway Officers from Devon County Council and representatives of Historic England. Issues were discussed regarding the site and the problem of traffic congestion due to Tiverton Road being closed.

The Head of Planning and Regeneration informed the Committee that the site had deteriorated and was in need of urgent works. This would involve scaffolding works which would further encroach onto Tiverton Road, completely blocking it to traffic.

This would create a further burden to the road network and would prevent access by emergency vehicles. Traffic Orders would be implemented to prevent parking in the areas which caused the backlog, negotiations were being undertaken to establish a time for traders to load and unload from their businesses. Scaffold would also be erected to the inside of the property in order to support the structure and it was estimated that works to make the building safe would take in the region of six weeks to complete.

35. **CONSERVATION AREA APPRAISALS, SILVERTON, MORCHARD BISHOP, CHERITON FITZPAINE, NEWTON ST CYRES AND THORVERTON (00.24.43)**

The Committee had before it a report * of the Head of Planning and Regeneration requesting that the Cabinet consider the adoption of conservation area appraisals and management plans for the above villages and amendments to conservation area boundaries as appropriate.

The Cabinet Member for Planning and Regeneration explained that consultation regarding this document had been completed. Responses from the public had been highlighted in the report and whenever possible their wishes had been complied with. He explained that consultation events had taken place in all of the areas concerned and that the process had been fully supported.

The Head of Planning and Regeneration confirmed that those householders that would be affected by the plans would be communicated with.

Discussion took place regarding funding sources which could be available from grants or from developers for enhancement or mitigation works in areas affected.

RESOLVED that the conservation area boundaries be amended and the appraisal and management plan documents for Cheriton Fitzpaine, Morchard Bishop, Newton St Cyres, Silvertown and Thorverton conservation areas be adopted.

(Proposed by the Chairman)

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

36. **SILVERTON TOILETS (00.32.50)**

The Cabinet had before it a report* of the Head of Housing and Property Services to advise the Cabinet of the capital market value of the former public conveniences at Silvertown and the alternatives for disposal.

The Cabinet Member for Housing and Property Services explained that the former public conveniences had been valued at £83K if sold on the open market. There was a need to save money and efforts had been made to transfer the provision of public toilets into local care. Room4U proposed to use the room for community use and as the building would be beneficial to the community it was considered appropriate to sell it for a lower than market value rate.

RESOLVED that:

1. That the Head of Housing & Property Services be authorised to dispose of the former public conveniences to Room4U for the provision of a health and well-being centre in the consideration of:
 - a) £30,000, to include the provision of an externally accessible unisex public toilet, to be available during Room4U opening hours and that the provision of the public toilet be for a minimum of 5 years or
 - b) £50,000, without the provision of an externally accessible unisex public toilet;
2. That should the sale not be completed by 31 March 2016, the Head of Housing & Property Services market and sell the conveniences on the open market;

(Proposed by the Chairman)

Notes: i) Report previously circulated, copy attached to minutes.

ii) Councillor Mrs J Roach declared a personal interest as she was the Chairman of Room4U.

37. AMENDMENT TO THE TREASURY MANAGEMENT STRATEGY (00.40.13)

The Cabinet had before it a report * of the Head of Finance requesting consideration of an investment in CCLA Commercial Property Investment Fund.

The Cabinet Member for Finance explained that current investment holdings were only receiving a return of around 0.5-0.6%, therefore it had been agreed that the Head of Finance investigate a property investment fund specifically tailored to Local Authority deposits, such as the CCLA.

CCLA (Churches, Charities and Local Authorities) had delivered a return of just under 5% in the last year and slightly higher than that in the preceding two years. The Cabinet Member confirmed that funds could be withdrawn within one month, without payment of termination fees.

RESOLVED that the inclusion, in the Treasury Management Strategy 2015/16 of the ability to deposit medium term cash balances of no more than £2.5m in to the CCLA commercial property fund, be approved.

(Proposed by the Chairman)

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

38. FINANCIAL MONITORING (00.45.58)

The Committee had before it and **NOTED** a report * of the Head of Finance presenting financial monitoring information for the income and expenditure for the 2015/16 Financial year.

The Cabinet Member for Finance outlined the contents of the report, highlighting areas that showed significant movements to date. Discussion took place regarding:

- A projected surplus from the Market Walk and Fore Street properties;
- It had been an encouraging start to the new year;
- Recreation/Sport and Planning were currently performing below budget;
- Expectations that the settlement for the next year would be reduced.

The Head of Finance informed the Committee that the Annual Accounts had been signed off by the External Auditor. He added that Mid Devon had been the first authority in the South West to do so. He informed the Committee that service managers were now meeting to discuss budgets for the 2016-17 financial year.

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

39. **WORKFORCE PLANNING AND HUMAN RESOURCE STRATEGY (00.50.35)**

The Committee had before it and **NOTED** a report * of the Head of Human Resources and Development providing a review of the current strategy and reflecting the latest legislative and economic changes.

The Head of Human Resources informed the Committee that a skills audit would be undertaken later in the year, to identify gaps for training. She also highlighted the fact that the majority of staff currently employed were over 35 years old and that apprentices were now being appointed to encourage young people to join the organisation.

Discussion took place regarding the living wage and whether adopting it would cause any financial strain or issues with wage differentials.

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

40. **GROWTH FUND BID (00.57.41)**

The Committee had before it and **NOTED** a report * of the Head of Communities and Governance informing them of activities being undertaken to develop a Growth Hub service for the Heart of the South West.

The Economic Development Officer explained that a Growth Hub was a regionally based service that provided business diagnostics, and signposting to relevant business support services. There were 25 operational hubs across the UK, and all LEPs (Local Enterprise Partnerships) had a legal duty to provide a Growth Hub service by March 2016. What a Growth Hub service looked like was highly flexible, but it must achieve 2 main objectives:

- It must have a governance structure which is part of the LEP
- It must be able to signpost to all relevant services, on a local, regional and national level

The Heart of the South West Local Enterprise Partnership (HotSWLEP) were due to commission a Growth Hub service, with the tender going live by the autumn of 2015. The service was likely to have £2.1m allocated to it over a 3 year period. However, there were concerns shared by Economic Development teams across the region, that if a new Growth Hub model was developed without the local authority's direct involvement or consultation, it would not meet local business needs. It was important

that any procured service added value to existing business support services, without replicating or competing with local provision.

The Officer explained that he had been working with the Better Business for All (BBfA) group and Economic Development staff from across the region to explore the opportunity to bid for the Growth Hub service as a collaborative project. BBfA involved integration of regulatory services as part of the business support offer, and making those services more business friendly, so that they were seen as an enabler of business growth.

There were many benefits to Mid Devon District Council, and the Mid Devon businesses that were supported, by taking the lead on developing this project.

- Significantly better business support services would be delivered for the local business community. Services would be tailored to meet local needs.
- The authority would be playing a much more significant role in the development of business support for the South West. The group that was set up during this project would set a precedent that would see Mid Devon leading on future business support initiatives.
- Mid Devon would have greater influence over regional strategic priorities, ensuring that money coming into the region was better allocated to meet the needs of our businesses and that regional support was led by local intelligence. This would make it far more likely that we would get a more significant share of funds.
- Mid Devon would receive national recognition if the bid was successful, and our Growth Hub could be used as an example of best practice.

Discussion took place regarding rural broadband. The Leader informed the Committee that a representative from BT would be providing a Member Briefing in September to answer queries regarding the roll-out of high speed broadband in Mid Devon.

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

41. **ANNUAL REPORT ON COMPLAINTS, COMMENTS AND COMPLIMENTS (1.17.30)**

The Committee had before it and **NOTED** a report * of the Head of Customer Services providing an annual report on complaints, comments and compliments as set out in the Corporate Complaints Policy.

The Cabinet Member for the Working Environment and Support Services explained that the report provided a summary of the number of complaints, compliments and comments received for each service from 1 April 2014 to 31 March 2015 that were recorded on the Corporate Customer Relationship Management (CRM) system.

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

42. **NOTIFICATION OF KEY DECISIONS (1.21.30)**

The Cabinet had before it and **NOTED**, it's * rolling plan for August/September 2015 containing future key decisions.

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

43. **ACCESS TO INFORMATION ACT - EXCLUSION OF THE PRESS AND PUBLIC (1.21.55)**

As there was a need to discuss property and land matters in terms of a tender award for new dwellings at Palmerston Park and Birchen Lane, Tiverton, a conversion of redundant public convenience into retail/office space at Lowman Green and Regulation of Investigatory Powers Act (RIPA):

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 and 1 respectively of Part 1 of Schedule 12A of the Act, namely information relating to the financial or business affairs of any particular person (including the authority holding that information) and information relating to any individual.

(Proposed by the Chairman)

44. **TENDER AWARD FOR NEW DWELLINGS AT PALMERSTON PARK AND BIRCHEN LANE, TIVERTON**

The Cabinet had before it a report * of the Head of Housing and Property Services placing before Members proposals for new dwellings at Palmerston Park and Birchen Lane, Tiverton

The recommendation in the report was approved.

(Proposed by the Chairman)

45. **LOWMAN GREEN - CONVERSION OF REDUNDANT PUBLIC CONVENIENCE INTO RETAIL/OFFICE**

Arising from a report * of the Head of Housing and Property Services requesting Members to consider the outcome of the tender process prior to the award of the contract.

The recommendation in the report was approved.

(Proposed by the Chairman)

46. **REGULATION OF INVESTIGATORY POWERS ACT (RIPA)**

The Committee had before it and **NOTED** a report * from the Office of Surveillance Commissioner.

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

(The meeting ended at 4.00 pm)

CHAIRMAN

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **CABINET** held on 7 August 2015 at 10.00 am

Present

Councillors C J Eginton (Leader)
R J Chesterton, N V Davey, C R Slade,
Mrs M E Squires and R L Stanley

Apologies

Councillor(s) P H D Hare-Scott

Also Present

Councillor(s) Mrs E M Andrews, Mrs A R Berry, R Evans and
F J Rosamond

Also Present

Officer(s): Kevin Finan (Chief Executive), Amy Tregellas (Head of
Communities and Governance and Monitoring Officer),
Jenny Clifford (Head of Planning and Regeneration) and
Sally Gabriel (Principal Member Services Officer)

47. **APOLOGIES**

Apologies were received from Cllr P H D Hare-Scott.

48. **PUBLIC QUESTION TIME**

Dr M Dixon (Culm Valley Integrated Health Centre) referring to item 4 on the agenda (Masterplan – Cullompton North West Urban Extension) stated that the masterplanning exercise gave an ideal opportunity for the town to have a community garden to the rear of the surgery which would be used to identify the needs of the community with regard to health issues, such as learning to grow food, the use of organic food and herbs which could relate to issues with obesity and diabetes. The surgery had a strong national and international profile with regard to innovative health and requested that a small area of allocated land be used for such a project.

The Chairman stated that this issue would be addressed during the meeting.

Cllr E J Berry (Devon County Council) again referring to Item 4 on the agenda stated that he had been approached by residents of St Georges Well with regard to the impact of the proposed development, particularly during the construction period. Would an environmental assessment take place with regard to air quality during the construction period.

The Chairman stated that this issue would be addressed during the meeting.

A representative from Veysey's Butchers raised concerns regarding the placing of bollards in Fore Street that morning forbidding loading and unloading. The Chairman

stated that this item was not on the agenda; however the Head of Planning and Regeneration stated that Devon County Council (Highway Authority) had just issued a Temporary Road Traffic Order on the main route through the town seeking to prevent congestion caused by loading and unloading at peak times.

Mr Emmet again referring to Item 4 on the agenda stated that he had concerns regarding the movement of traffic on St Georges View, were Members aware that there were also problems with parking and traffic movement on Willand Road?

The Chairman stated that this issue would be addressed during the meeting.

49. MINUTES OF THE PREVIOUS MEETING

The minutes of the previous meeting were approved as a true record and signed by the Chairman.

50. MASTERPLAN - CULLOMPTON NORTH WEST URBAN EXTENSION (00-11-35)

The Cabinet had before it a report * of the Head of Planning and Regeneration requesting it to consider the draft Masterplan Supplementary Planning Document for stage 2 public consultation.

The Cabinet Member for Planning and Economic Regeneration outlined the contents of the report explaining that the Allocations and Infrastructure Development Plan Document (AIDPD) was adopted in January 2010 following extensive public consultation and examination by a Planning Inspector. It allocated sites for development in order to meet the Core Strategy's growth requirements. A large proportion of this growth was to be accommodated within urban extensions.

An area of 74.8 ha to the north west of Cullompton was allocated for development within the AIDPD. The allocation comprised of : mixed use development, 1100 houses with 35% affordable housing and at least 5 gypsy and traveller pitches, 40,000 sq m employment floorspace, transport provision including a road linking Willand Road with Tiverton Road, primary school, local centre, community facilities and 28 hectares of green infrastructure.

The masterplanning of the site had been informed by a range of surveys and studies which sought to understand the constraints to development and in particular how much development could be delivered, where within the site in relation to green infrastructure areas. Topics considered included transport and access, ecology, landscape and visual impact, topography, drainage and flooding archaeology, heritage and utilities.

A first round of public consultation had taken place between 12th September and 12th October 2014, followed by a workshop of stakeholders. The first stage consultation focused on key issues around the amount of development and how it was distributed across the site in relation to the green infrastructure, access options and the location and amount of employment land and also the location of the primary school, sports pitches and gypsy and traveller pitches. From the first consultation period a total of 65 valid responses had been received. Key issues identified included the need to prioritise the delivery of highway improvements and the primary school.

The first stage public consultation specifically considered 2 options for the boundaries between the area identified for development and the green infrastructure. The first option looked at the area as allocated. Additional site investigation and survey resulted in an estimate of 700 houses being able to be delivered within the areas identified. This lower quantum of housing would not be able to deliver all the necessary infrastructure and community benefits.

A second option considered redrawing the boundaries between the area to be developed and the green infrastructure, whilst keeping within the overall site area as allocated. This redistribution of development was estimated to deliver 1000 houses, which would still meet the policy requirement for at least 28 hectares of green infrastructure. The higher housing numbers that could be achieved through this option would generate more development value and therefore more funding towards infrastructure and community benefits as required by policy.

The responses from the public consultation over this and other key issues had informed the emerging masterplan work.

Following an assessment of the consultation responses, a draft masterplan had been prepared which sought to provide guidance on how the site would come forward in a comprehensive way to deliver common infrastructure, coordinate phasing and how future planning applications should address design issues and deliver planning aspirations for the urban extension.

The Head of Planning and Regeneration identified by way of presentation the proposed development identifying the topography of the site, the use of the 3 hilltops and the links created between Tiverton Road and Willand Road and the local components which would create a sustainable neighbourhood. The placement of the community facilities were identified, that of the new primary school, and community building, the local centre for community facilities, the residential area and the green infrastructure area. There was also the possibility that part of the sports provision could be provided off site to supplement existing sports and recreation in other parts of the town.

She identified the housing trajectory and the proposed timeline for development and explained the proposed delivery of the link road between Tiverton Road and Willand Road and the fact that it would be funded by the sale of initial land parcels and identified the other triggers within the masterplan which included the delivery of the primary school in the early stages of development.

She addressed the questions put at the beginning of the meeting: the impact of the development on St Georges Well, this would be a temporary access to the site to allow for the construction of the link road to take place from either end of the development; traffic modelling had taken place indicating that the road was suitable. It would be possible at the application stage to impose conditions covering construction management to address the concerns of local residents. With regard to traffic issues on Willand Road, it was proposed that traffic calming measures be put in place; the construction of the link road would give an alternative route to the town centre.

With regard to the community garden at the rear of the doctors surgery: she was aware of the request and it had been proposed in the Local Plan Review, however an objection had been received and it would therefore have to be considered by the Planning Inspector when determining the Local Plan.

The Cabinet Member for Planning and Economic Regeneration informed the meeting that a second round of public consultation was now proposed over 6 weeks between 20th August to 1st October 2015 and explained the process to be followed as identified in the report.

Consideration was given to:

The proposed traffic calming measures in Willand Road and the location of the primary school and whether there was room for expansion.

The affordable housing on the site and the need to protect the percentage proposed.

The need for the road link to be put in place early in the development plans.

With regard to the community garden, local residents were urged to make their views known on this in the consultation process.

The support of the proposal by the Chairman of the Planning Committee.

Age appropriate housing to be considered.

The implications of the development on J28 of the motorway.

RESOLVED that

a) the draft Masterplan Supplementary Planning Document be submitted for public consultation.

b) delegated authority be given to the Head of Planning and Regeneration in consultation with the Cabinet Member for Planning and Economic Regeneration to finalise the consultation material.

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

Note: * Report previously circulated copy attached to minutes.

51. FIVE YEAR LAND SUPPLY (1-04-37)

The Cabinet had before it a report * of the Head of Planning and Regeneration advising Members on the most recent five year housing land supply calculations and to recommend a course of action to minimise the risk of a successful challenge to that calculation.

The Cabinet Member for Planning and Economic Regeneration outlined the contents of the report stating that National Planning Policy required that Council's 'identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against it's housing requirements'. National policy required the calculation to include an additional buffer of 5%, or where there was a record of 'persistent under delivery' this should be increased to 20%. Further advice stated that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority could not demonstrate a five year supply of deliverable housing sites. In effect, unless the Council could identify a five year supply of housing land the existing Local Plan policies relating to the supply of land (including crucially the definition of settlement limits identifying areas which were countryside and those which were within defined settlements) may not be supported by Inspectors at appeal in the face of short term need for housing in the area.

The most recent calculation, taking account of completions and planning permissions during 2014/15 demonstrated that there was a five year supply plus a 'buffer' of 21%. He therefore suggested that the Council was in a position to continue to determine housing allocations in accordance with the existing local plan policies. However, officers were aware of challenges being made to the council's calculations in current planning applications and appeals. If those challenges were successful there was the potential consequence that existing housing supply policies be considered 'out of

date' by inspectors and that housing applications may be granted contrary to the local plan.

The report highlighted three areas of risk where the calculation may be challenged. Whilst the officers had confidence in their assessment and the resulting calculation, there was a risk that at appeal Inspectors may disagree with the Council. As a result, officers proposed mitigation measures to increase the buffer to a point where the risk of a successful five year supply challenge was minimal. It was therefore proposed to do this by bringing forward sites which were proposed as allocations within the emerging local plan. Six sites received no objection and could therefore be considered for development immediately:

Barn Park, Crediton - 20 dwellings

Old Abattoir, Copplestone – 30 dwellings

Linhay Close, Culmstock – 6 dwellings

Hunters Hill, Culmstock – 10 dwellings

Court Orchard, Newton St Cyres – 25 dwellings

South of Broadlands, Thorverton – 12 dwellings

In addition the Council's Local Plan had contingency sites which could be released if the rate of development fell below certain levels. Of those sites, Pedlerspool in Crediton was proposed to be made a full allocation for 200 dwellings in the emerging local plan.

By inviting applications on the sites highlighted, there would be a significant boost to the five year supply, which would leave the risk of a successful challenge at a very low level. The resulting calculation would leave the Council with 6.45 years supply, equivalent to having a buffer of 29%.

He informed those present of the outcome of a very recent legal case, the judgment for which was delivered last Friday. There were implications for the release of two sites previously mentioned. A legal judgement delivered last Friday, arising from a case brought by two local authorities against the Government, had resulted in the immediate revocation of some national planning guidance. The planning guidance had stated that developments of 10 units or 1000 square metres or less (including annexes and extensions) would be excluded from affordable housing levies and tariff based contributions. It also applied a lower threshold for designated rural areas where developments of 5 or less would be excluded from such levies/contributions, and those of 6-10 dwellings would be subject to a commuted sum (in lieu of on-site provision) to be payable upon completion.

The national guidance was originally introduced immediately prior to the second of three cabinet meetings held across November and December 2014 which considered the proposed submission version of the Local Plan Review. Following its introduction, proposed policies which set thresholds for affordable housing provision and/or required affordable housing provision on sites of 10 dwellings or fewer within the Local Plan Review were amended accordingly prior to the document being made available for consultation.

As a result of the successful legal challenge, the relevant paragraphs of the National Planning Policy Guidance had been revoked with immediate effect. In the case of affordable housing provision, this meant that the Council could use the thresholds set in the adopted Local Plan when requesting on-site affordable housing provision. This applied to sites of more than 4 dwellings in the towns of Tiverton, Cullompton, Crediton and Bampton, and sites of more than 2 dwellings elsewhere.

Two of the sites proposed to be released, Linhay Close and Hunters Hill at Culmstock, fell within the 6-10 dwelling size bracket. The policies for those sites were drafted to reflect the now revoked guidance, and stated that their affordable housing requirement of 30% could be provided off-site via a financial contribution.

Following the revocation of the relevant guidance, the Council would seek to ensure that the default policy position was that affordable housing should be provided on all sites above the thresholds set in the Local Plan, with a presumption for on-site provision.

It was reported that the Government were likely to appeal the above decision.

Consideration was given to:

The need for the current position of affordable housing and other contributions on smaller sites to be applied to current applications

The need to lobby MP's with regard to the recent court case.

Development at Pedlerspool

The need for a robust defence with regard to land supply.

It was therefore:

RESOLVED that:

a) The emerging local plan allocations of Barn Park, Crediton, Old Abattoir, Coplestone, Linhay Close, Culmstock, Hunters Hill, Culmstock, Court Orchard, Newton St. Cyres, South of Broadlands, Thorverton and the contingency site at Pedlerspool, Crediton be brought forward from later in the plan period in accordance with the NPPF advice and are therefore confirmed as available within the five year supply;

b) The Cabinet Member for Planning and Economic Regeneration be requested to write to local MP's to inform them of Members views on affordable housing on sites of 10 or less.

(Proposed by R J Chesterton and seconded by Cllr N V Davey)

Notes:

(i) Cllr Mrs M E Squires requested that her abstention from voting be recorded as she had concerns regarding the proposed development at Pedlerspool, Crediton;

(ii) * Report previously circulated copy attached to minutes.

(The meeting ended at 11.25 am)

CHAIRMAN

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **CABINET** held on 27 August 2015 at 2.15 pm

Present

Councillors C J Eginton (Leader)
R J Chesterton, N V Davey, C R Slade,
Mrs M E Squires and R L Stanley

Apologies

Councillor(s) P H D Hare-Scott

Also Present

Councillor(s) R M Deed, Mrs J Roach and F J Rosamond

Also Present

Officer(s): Kevin Finan (Chief Executive), Rob Fish (Principal Accountant) and Sally Gabriel (Member Services Manager)

52. APOLOGIES

Apologies were received from Cllr P H D Hare-Scott.

53. PUBLIC QUESTION TIME

Mr Roberts referring to Item 7 (Tiverton Town Centre Development) on the agenda raised concerns regarding a Premier Inn in Tiverton and asked the following questions:

- a) Where does the Council propose that 17,800 new guests are going to come from?
- b) Will current local accommodation providers have the opportunity to contribute to the development of the business case to ensure an accurate and real time reflection of local supply and demand is factored into any future decision on a commercial deal with Premier Inns?
- c) Although not opposed to competition, if the supply is increased, the Council is in the process of allocating sites within the Local Plan, we do have an opportunity to create a large tourism development at J27, if we are serious about building a resilient local economy which can support new hotels and new businesses and wish to see the town regenerated and rejuvenated, will the council allocate the large tourism development at J27?

The Chairman indicated that the questions would be answered during discussions on the item.

54. MINUTES OF THE PREVIOUS MEETING

The minutes of the previous meeting were approved as a true record and signed by the Chairman.

55. **REVIEW OF THE TENANCY POLICY (00-07-00)**

Arising from a report of the Head of Housing and Property Services, the Decent and Affordable Homes Policy Development Group had recommended that the revised Tenancy Policy be approved.

The Cabinet Member for Housing stated that the revised policy indicated how houses were allocated to tenants: introductory tenancies followed by flexible tenancies, how problems with tenants were dealt with, the needs of tenants and the review of people's circumstances. The review of the policy reflected changes in good practice and allowed any legislative changes to be updated accordingly.

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

(Proposed by Cllr R L Stanley and seconded by Cllr N V Davey)

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

56. **INCOME MANAGEMENT POLICY (00-10-05)**

Arising from a report of the Head of Housing and Property Services, the Decent and Affordable Homes Policy Development Group had recommended that the revised Income Management Policy be approved.

The Cabinet Member for Housing explained that the policy had been revised to take into account the different income streams that the housing service collects. He reported that the Government had proposed a 1% cut in Council rent per year over a 4 year period; this would have an impact on the amount of rent collected, which would have implications on maintenance, repairs and the development of new social housing. He also felt that the new Universal Credit scheme would have an impact on the tenants ability to pay rent and outlined the processes that took place with regard to the collection of arrears.

Discussion followed with regard to:

- Clear processes for rent collection and any arrears
- A possible legal challenge to the proposed legislation
- The implications of the proposed legislation on the Housing Revenue Account
- The recovery of current rent arrears.

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

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

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

57. **DIGITAL TRANSFORMATION - RECOMMENDATION FROM THE SCRUTINY COMMITTEE (00-27-48)**

Arising from a briefing paper of the Head of Customer Services, the Scrutiny Committee had recommended that the means of contacting the authority be reviewed to avoid exclusion for those that could not use digital methods.

The Cabinet Member for Community Well-Being stated that the Council was continuing to be inclusive by providing services at Phoenix House, people could still come to the offices and use computers or talk to officers face to face and the call centre provided instruction and guidance over the phone; however the use of digital methods continued to be encouraged.

Consideration was given to:

- The concerns of the Scrutiny Committee
- Whether the Council were consulting with Age UK and the Citizens Advice Bureau
- Poor broadband in the rural areas
- Devon Home Choice bidding arrangements and the elderly or those without digital means.

It was therefore

RESOLVED that the concerns of the Scrutiny Committee be **NOTED** and that the Cabinet Member for Community Well-Being make contact with Age UK, the Citizens Advice Bureau and local Town and Parish Councils (via Parish Matters) to request their views with regard to the Council's digital transformation programme.

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

58. **TIVERTON TOWN CENTRE DEVELOPMENT (00-34-03)**

The Cabinet had before it a *report of the Head of Housing and Property Services updating Members on the current position in relation to the proposals for the regeneration of Tiverton town centre.

The Cabinet Member for Housing outlined the contents of the report highlighting the production of a masterplan and the possible improvements that could be made to the cinema, he explained the work that was taking place to maximise the Council's property portfolio including the occupancy details for Market Walk which he hoped would bring variety and increased footfall into the town and he explained other council initiatives and schemes that were being discussed.

Consideration was given to the proposal for a hotel in the town centre; the Head of Housing and Property Services answered the questions posed in public question time:

- a) 17800 new guests: the Premier Inn had supplied the figure within its business plan, the Council had not proposed that 17,800 guests would use the hotel; the Council were looking to regenerate Tiverton not to detract from other hotels in the vicinity.
- b) Business Case: the Council would not be providing a business plan for the establishment of a hotel, which would be for the Premier Inn to produce. The

proposal would require planning permission and he felt that local businesses and stakeholders would be consulted as part of the planning process.

- c) Junction 27: the Local Plan process was progressing and officers were considering representations from the latest public consultation. The Cabinet Member for Planning and Economic Regeneration stated that Westwood/Eden Project's proposal was not at the current time included in the Local Plan which had not yet been submitted. If following any new evidence officers recommended any changes to the approved plan then that would require a Council decision.

The Head of Housing and Property Services explained that discussion had taken place with Premier Inn and the agreements that would be required.

The Chairman suggested that a meeting be arranged with Mr Roberts to address his concerns.

Discussion followed with regard to:

- The lack of information and details available to all Members of the Council
- The decision making process
- Lack of evidence base being presented to allow an informed decision to be made
- The involvement of the local Business Forum in plans for the regeneration of Tiverton
- The facilities available at the proposed hotel
- The business case
- The amount of car parking spaces to be lost and the impact of that on income
- Valuation of the site
- The involvement of local traders in discussions
- Justification for the recommendation in the report
- The need for a masterplan for the regeneration of the area
- Public consultation to include Tiverton Town Council
- How the proposed hotel would regenerate the town, increase footfall and revitalise current or encourage new restaurants
- The proposed development site of the hotel
- Concerns regarding regeneration of the market area and the need for a roof to cover all aspects of the area
- The proposed improvements to the town's war memorial
- The fact that the masterplan would go out to public consultation

RESOLVED that:

- a) the report be **NOTED**; and
- b) Delegated authority be given to the Head of Housing & Property Services, in consultation with the Cabinet Member for Housing and the Cabinet Member for Planning & Economic Development, to agree disposal to Premier Inn for 125 years of part of the multi-storey car park and ancillary land for the provision of a hotel.

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

Notes

- i) Cllr N V Davey declared a personal interest as a Member of Tiverton Town Council;
- ii) *Report previously circulated, copy attached to minutes;

Additional Note:

This decision has been called in by the Chairman of the Scrutiny Committee

59. **FINANCIAL MONITORING (1-45-12)**

The Cabinet had before it and **NOTED** a *report of the Head of Finance presenting financial monitoring information for the income and expenditure of the 2015/16 financial year.

The Principal Accountant outlined the predictions for the General Fund, the additional rent collection from the Market Walk investment, the major income flows, the Housing Revenue Account that was on budget, the commitments within the Capital Programme and the investments that had been made under treasury management.

The Cabinet Member for Planning and Economic Regeneration highlighted the areas that showed significant movement to date within his portfolio as did the Cabinet Member for the Environment.

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

60. **PERFORMANCE AND RISK (1-57-20)**

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.

Note: Report previously circulated, copy attached to minutes.

61. **NOTIFICATION OF KEY DECISIONS (1-59-45)**

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

Members were informed that the Gas Service Contract would be moved to February or March 2016.

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

62. **ACCESS TO INFORMATION ACT - EXCLUSION OF THE PRESS AND PUBLIC (2-01-27)**

Prior to considering Item 12 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)

63. **OUTCOME OF PROCUREMENT FOR ROOFING WORKS 2015/16**

The Cabinet had before it a * report of the Head of Housing and Property Services providing information on the outcome of procurement for roofing works for 2015/16.

The Cabinet Member for Housing outlined the contents of the report highlighting the various tenders received, the consideration process that had taken place and the recommendation to award the contract to a specific company.

RESOLVED that the recommendation within the report be approved.

(Proposed by Cllr R L Stanley and seconded by Cllr N V Davey)

Note: Report previously circulated.

(The meeting ended at 4.20 pm)

CHAIRMAN

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **SCRUTINY COMMITTEE** held on 10 August 2015 at 2.00 pm

Present

Councillors

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

Apologies

Councillor(s)

T G Hughes and Mrs N Woollatt

Also Present

Councillor(s)

Mrs A R Berry, R F Radford and R L Stanley

Also Present

Officer(s):

Amy Tregellas (Head of Communities and Governance and Monitoring Officer), Liz Reeves (Head of Customer Services), Chris Shears (Economic Development Officer) and Julia Stuckey (Member Services Officer)

28 **APOLOGIES AND SUBSTITUTE MEMBERS**

Apologies were received from Councillor T G Hughes and from Councillor Mrs N Woollatt who was substituted by Councillor R M Deed.

29 **PUBLIC QUESTION TIME**

There were no members of the public present.

30 **MEMBER FORUM**

There were no issues raised under this item.

31 **MINUTES OF THE PREVIOUS MEETING**

Following the addition of the wording "it was stated that not all Zest customers were contacted when their membership was due for renewal, despite assurances being given" to bullet point five of Minute 23, the minutes of the last meeting were approved as a correct record and **SIGNED** by the Chairman.

It was **RESOLVED** that an Officer from Leisure Services be invited to attend the next meeting of the Committee to explain why Members whose Zest Membership was ending were not contacted.

(Proposed by Cllr T W Snow and seconded by Cllr R M Deed)

32 DECISIONS OF THE CABINET

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

33 CHAIRMAN'S ANNOUNCEMENTS

The Chairman had no announcements to make.

34 DIGITAL TRANSFORMATION

The Committee had before it and **NOTED** a report * from the Head of Customer Services updating them on how the Authority was responding to Digital Transformation.

The Officer outlined the work that had taken place since 2005 and explained that the project had evolved to include the introduction of efficiencies in working methods, in order to do more with less.

The Head of Communities and Governance explained that Parish Councils could use the authority's website to host their own web pages; however following the recent upgrade these pages had not yet been updated. The Officer explained that this was in hand, but that in the meantime Parish Councils would be complying with the Transparency Code if they published information to their own notice boards. She further asked that Members that attend Parish Council meetings use this opportunity to remind Parish Councillors of the need to return their declaration of interest forms and to remind them of the need to notify her as Monitoring officer of any change to their circumstances.

It was **AGREED** that Members would receive a briefing at the next meeting of the Committee on Parish Councils and how they were supported.

Discussion took place regarding:

- The equality impact of digital transformation and could everyone afford the necessary equipment. Members expressed concern that those that could not use technology could be disadvantaged. The Head of Customer Services explained that although benefit applications were now all completed on line appointments were available for those that required help. She further explained that for many residents using a digital device to make contact with the authority was cheaper than attending in person.
- Local groups, such as Parish Councils, libraries, community shops and groups could act as community hubs for access to equipment and broadband;
- The balance between what was most effective and efficient for the authority and what was most convenient for the customer;
- Digital Transformation allowed for all types of access and customers could still call at the offices in person, contact by telephone or by post;

- The need for people to be able to contact the authority at differing times of day;
- The length of time for telephone calls to be answered during peak periods;
- The possibility that Parish Councils could benefit from the use of surplus computer equipment.

It was **RECOMMENDED** to the Cabinet that means of contacting the authority be reviewed to avoid exclusion for those that could not use digital methods.

(Proposed by the Chairman and seconded by Cllr J Roach)

Note: - Report previously circulated and attached to Minutes.

35 **ECONOMIC DEVELOPMENT (01.01.00)**

The Committee had before it and **NOTED** a briefing paper * from the Economic Development Officer, updating them on progress within the District.

The Officer explained that he had been working directly with businesses in Mid Devon, to help them to grow and that jobs could be created in the local area with a positive effect on the local economy. He had been working with land agents to encourage new business, either established businesses moving to the area or new businesses being established.

Discussion took place regarding:

- The possibility that a hotel chain may develop a site in Tiverton and the impact on local businesses;
- The Chief Executive would be attending a meeting with local business representatives to discuss Tiverton town centre;
- The level of help being given to rural and urban businesses and whether this was balanced;
- LEADER funding and how this could be used to help the rural economy;
- The appointment of a new Town Centre Manager for Tiverton;
- The proposed roof for the Tiverton Pannier Market.

It was **AGREED** that:

- a) A Member briefing note be circulated to all Members to update them on LEADER funding;
- b) That a report be presented to the Committee following the Chief Executives meeting with local businesses regarding plans for Tiverton town centre;

- c) That the Committee receive a quarterly update on Economic Development.

Note: - Briefing paper previously circulated and attached to Minutes.

36 **SUPPORT FOR SCRUTINY**

The Chairman updated the Committee on progress to date regarding support for the Committee. He explained that there was a possibility that an intern from Exeter University could be appointed to help with a research project. Members of the Reviewing the Effects of Efficiency Measures Working Group had requested that the intern undertake a research project on their behalf.

It was **AGREED** that the Head of Customer Services pursue this matter and update the Committee on progress at the next meeting.

37 **SAFEGUARDING**

The Head of Communities and Governance gave a presentation to the Committee regarding safeguarding of children and vulnerable adults, explaining the District Councils role in this area.

The Officer explained what safeguarding and child protection meant to the authority, the legislation involved and gave examples of types of abuse. She gave some examples of high profile cases and some local incidents.

It was **AGREED** that a member briefing be put in place to update all Members on Safeguarding and that the Committee receive regular updates from the Head of Communities and Governance.

38 **CLINICAL COMMISSIONING GROUP**

Cllr Mrs J Binks had requested that the Clinical Commissioning Group (CCG) be invited to attend a meeting of the Committee in order that they could be questioned regarding the decision to permanently remove inpatient beds at Crediton Hospital.

A representative of the CCG was scheduled to attend a meeting of the Community Well Being Policy Development Group on 18th August, it was therefore agreed that questions from the Scrutiny Committee be considered at that meeting.

It was **AGREED** that the representative of the CCG be asked to explain:

- a) The process undertaken to arrive at the decisions made;
- b) The consultation that took place
- c) The current financial situation.

39 **QUESTIONS FOR NEIL PARISH MP (02.36.35)**

Discussion took place regarding questions to put to the Member of Parliament, Neil Parish, at the Special Meeting being held on 24 August 2015.

A number of questions had been submitted by Members of the Committee. These would be compiled and forwarded to the MP in advance to allow him to answer them fully at the meeting.

40 UPDATES AND ITEMS TO NOTE REGARDING OUTSTANDING ITEMS (02.36.35)

The update was noted.

41 IDENTIFICATION OF ITEMS FOR THE NEXT MEETING

Members discussed possible items for inclusion in future agendas. These included:

Support for Parish Councils
Tiverton Town Centre update
Anaerobic Digesters
Leisure Services – renewal of Zest Membership

(The meeting ended at 4.50 pm)

CHAIRMAN

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MID DEVON DISTRICT COUNCIL

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

Present

Councillors

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

Apologies

Councillor(s)

Mrs N Woollatt

Also Present

Councillor(s)

R Dolley

Also Present

Officer(s):

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

42 **APOLOGIES AND SUBSTITUTE MEMBERS**

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

43 **PUBLIC QUESTION TIME**

There were no questions from members of the public present.

44 **MINUTES OF THE PREVIOUS MEETING**

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

45 **CHAIRMAN'S ANNOUNCEMENTS**

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

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

(Proposed by the Chairman)

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

46 NEIL PARISH MP

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The Chairman thanked the MP for his attendance.

(The meeting ended at 4.12 pm)

CHAIRMAN

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **AUDIT COMMITTEE** held on 28 July 2015 at 5.30 pm

Present

Councillors

R Evans (Chairman)
Mrs J B Binks, Mrs C Collis, R M Deed, F Letch and
R F Radford

Also Present

Councillors

P H D Hare-Scott and Mrs J Roach

Present

Officers

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

S Johnson and G Daly from Grant Thornton

14. APOLOGIES

There were no apologies for absence.

15. PUBLIC QUESTION TIME

There were no members of the public in attendance.

16. CHAIRMAN'S ANNOUNCEMENTS

The Chairman reminded the Committee that at the previous meeting he had offered to write to the Chairman of Scrutiny and the Cabinet regarding the issues raised with regard to sickness and the food inspections. He confirmed that he had done this and that he had attended a meeting of the Scrutiny Committee where the issues were discussed and a working group created to look at these and associated issues. He had been told by the Leader that if there were concerns over failed targets that he should speak to the individual Cabinet Members concerned.

17. ELECTION OF VICE CHAIRMAN FOR 2015/16

RESOLVED that Cllr Mrs J B Binks be elected Vice Chairman of the Audit Committee for the municipal year 2015/16.

(Proposed by Cllr R Evans and seconded by Cllr Mrs C Collis)

18. MINUTES OF THE PREVIOUS MEETING

The Minutes of the previous meeting were confirmed as a true and accurate record and signed by the Chairman.

19. ANNUAL GOVERNANCE STATEMENT

The Committee had before it a report * from the Head of Communities and Governance presenting the Committee with the finalised Annual Governance Statement (AGS) and accompanying action plan for 2014/15.

The AGS had been subject to review by the Council's external auditor during the review of the Annual Report and Accounts and no recommendations had been made in respect of this document.

Discussion took place regarding:

- A number of sources of assurance being required to complete the AGS.
- The Constitution was updated as and when any amendments were approved by Council. Legal Services were going through the document chapter by chapter, revisions would be presented before the Standards Committee with recommendations to full Council as soon as possible.
- The perceived absence of a youth officer in the Crediton area despite the town council providing funding. The Head of Communities and Governance agreed to look into the matter and arrange for a member of her staff to contact to Crediton Town Clerk.

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

(Proposed by the Chairman)

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

20. ANNUAL REPORT AND ACCOUNTS 2014/15

The Committee had before it a report * from the Head of Finance outlining the changes made to the accounts subsequent to the draft set presented to the Audit Committee at its meeting on the 23rd June 2015. These were very few and not material in any way. They included:

- Under 'External Audit Costs' on page 84 an amount of £3.5k should have been included for some additional work undertaken by Grant Thornton.
- 'Cash and Cash equivalents' figures on page 101 and 102 needed to correspond and should both have read £5.349m

The Committee were informed that it had been a very successful audit but that after the accounts had been signed off a process needed to be gone through whereby generic comments within the report that were not applicable to Mid Devon District Council may be removed for next year.

RESOLVED that the annual report and accounts be approved (subject to the recommendations made by the external auditor, Grant Thornton) and that the Committee formally approve and sign the letter of representation.

(Proposed by the Chairman)

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

21. GRANT THORNTON - 2014/15 AUDIT FINDINGS

The Committee had before it, and **NOTED**, a report * from Grant Thornton, external auditors to the Council. This report highlighted the significant findings arising from their audit as required by International Standard on Auditing (UK & Ireland) 260.

It was explained that it had been challenging merging the new accounts timetable between the external auditors and the Council. However, this had been achieved and once the accounts had been formally signed off Mid Devon District Council would have been the first in the South West to do so.

The accounts in their opinion had been free of significant errors, there being only two unadjusted items. They were proposing to issue an unqualified opinion the following day on the Financial Statements and Value for Money.

Discussion took place regarding:

- Grant Thornton had reviewed managements' assessment of the Council as a 'Going Concern' and were satisfied with its assessment that the going concern basis was appropriate for the 2014/15 financial statements. A 'Going Concern' was described as being an ability of an organisation to continue to exist 14 months after the external auditors had issued their opinion.
- Regarding internal controls, Grant Thornton had commented that two Section 106 receipts had not been invoiced or accrued for at the year end. Management had commented that this had happened as a result of staff shortages but that a robust process would be in place for next year.
- External audit fees and how they were arrived at; fees regarding two challenges to the accounts had fallen in to 2014/15. Grant Thornton reiterated the fact that they were independent and abided by ethical standards whenever asked to conduct an investigation.

One of the challenges to the accounts had been instigated by Cllr Mrs J Roach and had related to a decision to offer discounted car parking permits to a particular company. The Head of Finance stated that a car parking working group had been set up by the Scrutiny Committee and a recommendation would be going to the Managing the Environment Policy Development Group on 4 August to offer a discount for bulk purchasing of car parking permits across the board. The car parking order had subsequently been amended but in the Councillor's opinion this had not happened early enough. She had been unable to pursue her complaint through the Ombudsman and felt that there ought to be a way of tracking such issues through a Committee. It was **AGREED** that an item be placed on the agenda for the next meeting thereby providing new Members to the Committee with the background to the issue and allowing time for officers to provide fuller explanations as to what had happened historically and what the plan was for the future.

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

22. INTERNAL AUDIT PROGRESS REPORT

The Committee had before it, and **NOTED**, a report * from the Internal Audit Team Leader updating the Committee on the work performed by Internal Audit for the 2015/16 financial year thus far. System audits had commenced already and core audits were due to commence in the following week. It was explained that the percentage of outstanding recommendations had gone down from 46% to 39% which was a move in the right direction.

For the benefit of new Members the Chairman explained that it had been agreed by the Committee in the previous municipal year that an annual meeting would be held to specifically discuss outstanding recommendations and that this needed to be a separate item on the agenda for the next meeting on 29 September 2015. He further informed them that the Chief Executive had agreed to meet with Heads of Service to discuss the outstanding recommendations and what action had taken place to resolve these issues. It was **AGREED** that the Chief Executive would be invited to attend the next meeting. In order to facilitate this discussion it would be necessary to have a report listing all of the outstanding recommendations in one place (they were referred to in Appendix 1 of the report). The Committee were asked to contact Member Services in advance if they had questions relating to a specific audit so that the necessary research could be undertaken before the meeting.

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

23. INTERNAL AUDIT REPORTS (STANDING ITEM)

Discussion took place regarding the following internal audit reports:

Vehicles and fuel

It was disappointing to note that the Council still did not have the evidence at present to prove that employees had a valid driving licence and that the target date for the completion of a Transport Policy was 31 March 2016. It was explained that the Council had now employed an independent company to check the driving licences of staff once they had given permission and that this was a much more cost effective method than it being carried out in-house. The question was asked as to whether the driving licences of Members were also checked. The Head of Communities and Governance agreed to look into this.

Recruitment

The process of Job Evaluation was explained by the Head of Communities and Governance.

It was **AGREED** internal audit reports ought to be made available to all Members. A note should be placed in WIS informing Members that reports were available upon request.

24. GRANT THORNTON - FEE LETTER

The Committee had before it, and **NOTED**, a letter * from Grant Thornton setting out its fees for the 2015/16 audits. It also included an indication of the phasing of work and suggested timings.

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

25. **IDENTIFICATION OF ITEMS FOR THE NEXT MEETING - 29 SEPTEMBER 2015**

In addition to the items already listed in the work programme for the next meeting, the following additional items were requested to be on the agenda:

- Discounts for bulk purchasing of car parking permits
- Outstanding audit recommendations
- Grant Thornton – Financial Resilience report

(The meeting ended at 6.50 pm)

CHAIRMAN

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MID DEVON DISTRICT COUNCIL

MINUTES of a MEETING of the MANAGING THE ENVIRONMENT POLICY DEVELOPMENT GROUP held on 4 August 2015 at 2.00 pm

Present

Councillors

R F Radford (Chairman)
Mrs A 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)

N V Davey

Also Present

Officer(s):

Amy Tregellas (Head of Communities and Governance and Monitoring Officer), Stuart Noyce (Waste and Transport Manager), Roderick Hewson (Principal Accountant), Richard Keith Hill (Environmental Protection Officer) and Julia Stuckey (Member Services Officer)

14 APOLOGIES AND SUBSTITUTE MEMBERS

There were no apologies.

15 PUBLIC QUESTION TIME

There were no members of the public in attendance.

16 MINUTES OF THE PREVIOUS MEETING

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

17 CHAIRMAN'S ANNOUNCEMENTS

The Chairman had no announcements to make.

18 PERFORMANCE AND RISK

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 2015-16 as well as providing an update on the key business risks.

The Waste and Transport Manager informed the Group that the data showing waste to landfill per head had been updated since the report had been issued and now showed 108.00 rather than 90.12. This indicator was performing above target.

Discussion took place regarding:

- Fixed Penalty Notices issued;
- The reduction in residual waste being collected;
- Anticipated reductions in waste to landfill when figures were collated for quarter 2, following the additional collection of plastic and cardboard for recycling;
- The roll out of the delivery of green boxes to households in the District.

The Head of Communities and Governance explained the process for risk reporting. She highlighted that waste collection was a high risk operation for the Council but that there was a Health and Safety Officer in post, a Health and Safety Committee which met quarterly to identify risks and a training plan for staff. The Health and Safety Officer had been working closely with the Learning and Development Team to ensure that a comprehensive training programme was in place.

Note:- Report previously circulated and attached to minutes.

19 FINANCIAL MONITORING

The Group had before it and **NOTED** a report * of the Head of Finance presenting a financial update in respect of the income and expenditure so far in the year.

The Accountant highlighted variances to the general fund:

- A £60k overspend for elections was not a true overspend as funds were in place to cover this;
- A £25k overspend for Grounds Maintenance was due to funding cuts from Devon County Council (DCC). DCC had reduced the payment they made to the authority for grass cutting and were now only paying for works that impacted on health and safety, such as visibility splays. This authority had agreed to continue maintaining verges in the towns and parishes for this year to allow time to undertake consultation.
- A £30k underspend for the IT Service due to sharing of services with North Devon;
- A £363k profit forecast for Market Walk due to income from rent exceeding running costs, although this was subject to interest charges and property charges. The surplus was earmarked for economic development;
- There was a deficit for planning and regeneration, the reasons for which were detailed within the report.
- The predicted overspend for the general fund was currently £78k.

Discussion took place regarding

- Recruitment costs for planning and regeneration;
- Trade Waste income;
- Leisure fees and charges;
- A reduction in income for William Street pay and display car park during recent town centre road works.

Note:- Report previously circulated and attached to minutes.

20 CAR PARKING WORKING GROUP

The Chairman proposed that the agenda item referring to the report of the Car Parking Working Group be deferred until the next meeting of the Committee. He explained that at a Members Away Day the previous week there had been a number of ideas suggested by Members that the Working Group may wish to investigate. He also suggested that as the Working Group included some new Members that had only attended one meeting and that it would be useful to spend some more time on the subject.

RESOLVED that agenda item 7, a report from the Car Parking Working Group, be deferred until the next meeting to allow the Group time to make further investigations and that all Members be asked to submit their ideas.

(Proposed by the Chairman)

Note:- Report previously circulated and attached to minutes.

21 CREDITON AIR QUALITY MONITORING

The Group had before them and **NOTED** a report * informing it of changes to air quality in Exeter Road, Crediton (within the Crediton Air Quality Management Area) since the opening of the Lords Meadow Link Road.

The Environmental Protection Officer outlined the report, highlighting that monitoring had shown that over 4500 vehicles were using the road in a five day period and that an average of 122 HGV's were using the road per day.

Discussion took place regarding some areas of concern in the High Street and the movement of traffic to other parts of the road network. A recent traffic count had been undertaken and the results from this would be compared to date from 2010 to provide an indication of changes around the town and in particular to the Air Quality Management Area.

It was **AGREED** that a further report be provided in March 2016 when a more complete analysis of air quality impact of the Crediton Link Road would be available.

Note:- Report previously circulated and attached to minutes.

22 MOTION 522 (COUNCILLOR MRS N WOOLLATT 25 MAY 2015)

The Group had before it the following Motion which had been referred by the Council.

Motion 522 (Councillor Mrs N Woollatt 25 May 2015)

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.

Councillor Woollatt explained that she had asked the Council to have a look and explore what options there might be to bring an improvement regarding the disposal of food waste in the Mid Devon District. She gave examples of other countries such as France where the Government had passed a law making supermarkets pass left over food to charities. She stated that 91% of food wasted was from industry. She informed the Group that some supermarkets were already working with charities but that a lot of the waste came from agriculture and industry. She highlighted the letter * from the Department for Environment and Rural Affairs (DEFRA) in which it referred to work taking place but also indicated that it was not planning to introduce legislation.

The Waste and Transport Manager outlined Trade Waste regulations and the service provided within Mid Devon.

Discussion took place regarding:

- Initiatives that were already occurring;
- Farm waste and supermarkets not accepting produce;
- Personal experience of working with charities that used donated food waste;
- Community shops that could sell food items that didn't meet industry standards to those on low incomes.

RECOMMENDED to Council 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.

and that subject to Council approval:

A Working Group be put in place to explore this subject. The working Group to comprise of Councillors Mrs R Berry, D R Coren, Mrs C Daw, R Evans, B Wright and Mrs N Woollatt.

(Proposed by the Chairman and seconded by Cllr R Evans)

Note:- * Letter previously circulated and attached to minutes.

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

Report from the Car Parking Working Group
Update on the new waste scheme

(The meeting ended at 3.30 pm)

CHAIRMAN

MID DEVON DISTRICT COUNCIL

MINUTES of a MEETING of the DECENT AND AFFORDABLE HOMES POLICY DEVELOPMENT GROUP held on 11 August 2015 at 2.15 pm

Present

Councillors

P J Heal (Chairman)
Mrs E M Andrews, Mrs H Bainbridge,
W J Daw, Mrs G Doe, R Evans, J D Squire
and L Taylor

Apologies

Councillor

R Dolley

Also Present

Officers

Nick Sanderson (Head of Housing and Property Services),
Amy Tregellas (Head of Communities and Governance and
Monitoring Officer), Clare Fry (Housing Services Manager),
Andrew Cawdron (Finance Manager), Angela Barrett
(Accountant), Helen Carty (Housing Policy Officer) and
Sarah Lees (Member Services Officer)

Also in

Attendance

Mrs Trudy Saunders and Mrs Patricia Cowie from 'Tenants
Together'

21 APOLOGIES AND SUBSTITUTE MEMBERS

Apologies were received from Cllr R J Dolley.

22 PUBLIC QUESTION TIME

There were no members of the public present.

23 MINUTES

The Minutes of the meeting held on 16 June 2015 were confirmed as a true and accurate record and **SIGNED** by the Chairman.

24 CHAIRMAN'S ANNOUNCEMENTS

The Chairman had no announcements to make.

25 VOIDS SERVICE REVIEW REPORT AND PRESENTATION (00:01:30)

The Group received and **NOTED** a report * and presentation from two representatives of the 'Tenants Together' Group, Mrs Trudy Saunders and Mrs Patricia Cowie. The Voids Service had been selected for scrutiny by 'Tenants Together' as they were striving to improve performance in this area.

Mrs Saunders began by summarising the steps they had taken to undertake the review. This had included an analysis of tenant satisfaction forms, speaking to members of the voids team and comparing policy with other local authorities. They had also visited void properties and had studied the void process from beginning to end. They had concluded that:

- In certain areas Mid Devon District Council was spending more money than other similar authorities particularly with regard to the supply of paint packs. They commented that tenants were 'paid' to complete their own painting jobs, however, they may not have the necessary skills to complete this to the required standard. The Head of Housing and Property Services clarified the position by stating that tenants were not 'paid' as such but received a 'reward' if the job was completed to the required standard. This was part of trying to encourage tenants to take pride in their homes. Some sheltered accommodation was decorated by the Council but for other Council properties a handyman service was available at a cost to the tenant.
- 'Tenants Together' had considered that the 17 day void target was already a tight turnaround and should not be shortened any further.
- Tenancy Home Checks were vital when checking potential damage before a tenant vacated a property.
- 'Procurement' needed to be looked at as part of the ongoing review

The Cabinet Member for Housing, whilst complimenting the representatives for their tireless work in producing such a comprehensive report reminded the Group that this review had been undertaken by tenants themselves and the report represented their views, not necessarily the views of the Housing Service. Resources were a problem but all homes made the Decent Homes Standard. The Head of Housing and Property Services stated that an updated Void Policy would be coming to the Group at their next meeting and that comments and views made with regard to the tenants review would be taken on board.

The Chairman thanked the representatives on behalf of the Group for the work they had undertaken in conducting this review.

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

26 **TENANCY POLICY (00:35:00)**

The Group had before it a report * from the Housing Services Manager reviewing the Housing Services Tenancy Policy. As a Registered Provider of social housing, the Council was required to publish clear and accessible policies which outline its approach to tenancy management, including interventions to sustain tenancies and prevent unnecessary evictions and tackling tenancy fraud.

Discussion took place with regard to:

- Flexible Tenancies - officers were expected to refer to the Tenancy Policy when making offers of accommodation and as such the policy was a working document. Flexible Tenancies were explained as being issued either on a 2 year or 5 year fixed term basis. They were 'flexible' in that at the end of the term officers looked at the circumstances of the tenancy and decided whether or not the tenancy needed to be reviewed. Often people's circumstances

changed, this could be in relation to income or family members moving out of the property or indeed whether an adapted property was still required. 'Tenancies for life' are still issued in cases where the tenants are deemed to be vulnerable in any way; however, the Housing Service had to make best use of its housing stock.

RECOMMENDED to the Cabinet that the revised Housing Services Tenancy Policy be approved.

(Proposed by Cllr Mrs H Bainbridge and seconded by Cllr J D Squire)

Note: (i) * Report previously circulated; copy attached to the signed Minutes.

(ii) Cllr Mrs E M Andrews requested that her abstention from voting be recorded.

27 **INCOME MANAGEMENT POLICY (00:53:30)**

The Group had before it a report * from the Housing Services Manager reviewing the Housing Services Income Management Policy. The review of this policy reflected changes in good practice and allowed for any legislative changes to be updated accordingly.

Discussion took place regarding:

- One of the Councils main income streams being housing rents and the necessity to maximise income wherever possible.
- Neighbourhood Teams were responsible for this function and made regular contact with tenants who may have fallen behind with their rental payments. The system used within the Housing Service prompted action whenever arrears were due. A traffic light letter system was used which was helpful for vulnerable tenants or those whose first language was not English.
- The Policy treated everybody fairly.
- Every effort was made by officers to engage with tenants in order to avoid eviction including working with other agencies such as 'Wiser£Money' who could offer specialist advice to those struggling financially.

RECOMMENDED to the Cabinet that the revised Housing Services Income Management Policy be approved.

(Proposed by Cllr W J Daw and seconded by Cllr Mrs E M Andrews)

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

28 **FINANCIAL UPDATE FOR THE THREE MONTHS TO 30 JUNE 2015 (01:04:04)**

The Group had before it and **NOTED** a report from the Head of Finance presenting a financial update in respect of the income and expenditure so far in the year.

The Principal Accountant outlined the contents of the report stating that for the first three months of the year the General Fund and Private Sector Housing Grants were

both on budget. Currently there was only a small variation of £4k showing against the Housing Revenue Account.

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

29 **PERFORMANCE AND RISK (01:08:55)**

The Group had before it, and **NOTED**, a report * from the Head of Communities and Governance providing it with an update on performance against the Corporate Plan and local service targets for 2015/16 as well as providing an update on the key business risks.

There were several performance indicators that were below target which included the following:

- ‘Repairs Completed at First Visit’ - this indicator was currently under review as the target set previously was unrealistically strict.
- Figures in relation to the proportion of rent owed did not accurately reflect the true position and needed re-profiling.
- It was envisaged that 100% of Council properties would have reached the Decent Home Standard by the end of the year.

A brief discussion took place regarding why some tenants would not let officers into their homes to test for gas safety. This sometimes related to the fact that people were fearful of letting strangers in.

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

30 **DEVON HOME CHOICE WORKING GROUP - RE-ESTABLISHMENT (01:15:25)**

There had been a need for the Group to appoint new Members to the Devon Home Choice Working Group following the retirement of previous Members. It had been agreed in March 2015 that the work of the group be held in abeyance until such time that it was possible to seek feedback from authorities who had decided to remove Band E from their housing allocation schemes.

The Head of Housing and Property Services provided new Members to the Group with the background behind the original working group. He suggested that at the first meeting of the ‘new’ group Members ought to receive a presentation on how Devon Home Choice worked. In addition they should receive a copy of the report which had been previously presented to the Cabinet summarising the work and initial thoughts of the original group. The first meeting should also be used as a scoping exercise with a clear time table put in place.

RESOLVED that Councillors Mrs H Bainbridge, Mrs G Doe, R Evans, P J Heal and J D Squire be appointed to the re-established Devon Home Choice Working Group and that the Committee Clerk organise a date for the first meeting.

31 IDENTIFICATION OF ITEMS FOR THE NEXT MEETING (01:23:28)

In addition to the items already listed in the work programme, the following items were requested to be on the agenda for the next meeting:

- Supply and Demand Policy

Following the budget announced by Central Government on 8 July 2015, the Head of Housing and Property Services informed the Group that it was his intention to circulate some information regarding the implications of this on the Housing Service over the next few years.

(The meeting ended at 3.40 pm)

CHAIRMAN

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MID DEVON DISTRICT COUNCIL

MINUTES of a MEETING of the COMMUNITY WELL BEING POLICY DEVELOPMENT GROUP held on 18 August 2015 at 2.15 pm

Present Councillors

Mrs J B Binks (Vice Chairman in the Chair),
Mrs E M Andrews, Mrs C P Daw, R M Deed,
F Letch, B A Moore, Miss C E L Slade and
Mrs E J Slade

Apologies Councillor(s)

Mrs B M Hull and Mrs A R Berry

Also Present Councillor(s)

Mrs G Doe, C R Slade, Mrs M E Squires and R L Stanley

Also Present Officer(s):

Jill May (Head of HR and Development), Amy Tregellas
(Head of Communities and Governance and Monitoring
Officer), Rob Fish (Principal Accountant), Catherine Yandle
(Internal Audit Team Leader) and Julia Stuckey (Member
Services Officer)

Also in Attendance:

Julian Chidgey and Deborah Bridge-Elerick, Age UK
Pippa Griffith, Tourist Information Service

15 APOLOGIES AND SUBSTITUTE MEMBERS

Apologies were received from the Chairman, Councillor Mrs B M Hull (Vice Chairman, Mrs J B Binks was in the Chair) and from Councillor Mrs A R Berry who was substituted by Councillor Mrs C P Daw.

16 PUBLIC QUESTION TIME

There were no members of the public present.

17 MINUTES OF THE PREVIOUS MEETING

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

18 CHAIRMANS ANNOUNCEMENTS

The Chairman informed the Group that she had recently been in contact with a Rural Support Officer and a representative from Drink Wisely, Age Well and that she had arranged for them to provide a presentation at a future meeting of this Group.

19 CLINICAL COMMISSIONING GROUP (00:04:29)

The Committee had invited Mr John Finn of the Northern, Eastern and Western Devon Clinical Commissioning Group (CCG) to attend the meeting. However, the CCG had written to inform the Group that that since a Governing Body decision, made on 16th July, the CCG had agreed that the next step was to attend the Devon Health and Wellbeing Scrutiny board on 14th September. It had been agreed that until then they would not attend any other meetings. The CCG had explained that they would be keen to attend a meeting after that date.

It was **RESOLVED** to invite the Clinical Commissioning Group to attend the next meeting of the Group and that the focus be on the future of Crediton Hospital.

(Proposed by the Chairman)

Note: - i) Briefing note previously circulated and attached to Minutes.

ii) Councillors F W Letch and Mrs J B Binks both declared personal interests as they were both Members of Save Our Hospital Beds Crediton.

20 GRANT RECIPIENT PRESENTATION (00:07:30)

The Group had before it and **NOTED** a report * from the Grants and Funding Officer providing supporting information regarding Age UK and the Tiverton Tourist Information Service, who were both represented at the meeting, giving presentations regarding their work.

Age UK were represented by Julian Chidgey, Fund Raising and Development Manager and Deborah Bridge-Elerick, Chief Officer.

Mr Chidgey informed the Group that in the last year Age UK had over 4,500 interactions with local older people, had helped people to access over £650,000 of benefits that they didn't know they were entitled to and that volunteers had contributed 16,500 hours, and driven 60,000 miles to help deliver services.

He explained that in 2011 the population of Mid Devon was 77,800 but that this was predicted to rise to 89,700 by 2024, the largest increase being those of retirement age. As the demand for services grew, they were responding to the need, either by expanding current services, or introducing new ones. Examples of these were:

- In 2012 they launched their volunteer visiting service. Many of those accessing this service had recently gone through a life changing experience such as bereavement, or serious illness. A high percentage lacked self-confidence or suffered from isolation and loneliness. Over the last three years the demand for this service had increased by over 100%. They were also trialling a telephone support service; this would allow them to meet the current local demand for support, without substantially increasing travel costs.
- Their I.T service was also experiencing unprecedented demand. It was now considered that basic IT proficiency was no longer simply a luxury for older people, as so many forms and application processes were now completed on-line. This was compounded by many older people living in rural locations, where visiting the local town to pick up a form was not an easy task. To meet

this demand they were offering I.T taster sessions and also giving advice on the use of tablets and mobile devices, which were now far more commonly used than traditional computers.

- Another area where Age UK had been asked to focus, by many local older people, was on services aimed at men. Many older men found it very hard to ask for help and support. A one year trial of the Men in Sheds service had been undertaken during which time they had seen real value and demand. However, to drive this project forward it was important that it was built on solid foundations. With this in mind, they intended to create a permanent base for the project, by the end of this year, at the Haven activity centre, once purchase of the building was complete.

Ms Bridge Elerick went on to explain what Age UK was planning with regard to Dementia Services. She informed the Group that there were 850,000 people living with dementia in the UK and that based on local records Tiverton had around 722 people with dementia. The proposed plan was to create the Tiverton Dementia Action Alliance, which included the District Council, the Town Council and many other groups and organisations. The aim of the alliance was to improve the experience of visiting the town for those suffering and to increase the understanding of workers. Training would be provided to key members of organisations who would then cascade this to other staff.

Discussion took place regarding:

- Work that Age UK were undertaking in other areas of the District. The Officers from Age UK acknowledged that they had in the past mainly been centred around the Tiverton area, however they were now working to provide services in other parts of Mid Devon;
- The Tiverton Dementia Action Alliance involved several groups and organisations but Age UK were the lead;
- Referrals to Age UK came by self-referral, walk-ins, referrals from social workers, complex care representatives from the hospitals and a mix of professional and family referrals;
- It was hoped that the Dementia Action Alliance could be used as a model that could be adopted in other areas.

The Chairman thanked the representatives from Age UK for their presentation.

Ms Pippa Griffith, Director of Tiverton Museum, which was the home of the Tourist Information Service, updated the Group on the service being provided.

She explained that the Museum had won the contract to operate the Tourist Information Service (TIS) and had opened in October 2013. She informed the Group that the Museum recognised the importance of this service and the synergy of the two provisions. Signage had been erected to direct the public to the new TIS from the town centre and from the old TIS offices. External and internal signage and leaflets at the museum integrated the services and the introduction of the TIS had allowed enhancements to under used areas at the Museum. She further explained

that the facilities were receiving a positive response from customers and that they had been able to achieve some sponsorship from local businesses.

Ms Griffith outlined the services provided by the TIS which included tickets sales for local events, coach tickets, the promotion of local accommodation and activities and the issue of cycling and walking route information. They were working with other local organisations to promote the Explore Tiverton website and in the future would be taking bookings for the new coach park.

Two members of staff, on a job share basis, had been appointed and they were supported by a number of volunteers.

Ms Griffith reported that the Museum Trust was pleased with the combined service and that they considered the profile to have been raised within the town. Performance was so far showing a steady increase but at this time it was too early to confirm statistics. The service cost £14,700 which paid for staffing, stationery and telephone expenditure.

Ms Griffith was pleased to be able to inform the Group that the TIS service had been awarded a Bronze Award for Tourist Information Services in the Visit Devon Tourism Awards for 2014.

The Chairman thanked Ms Griffith for her presentation.

Note: - i) Report previously circulated and attached to Minutes.

ii) Councillor Mrs E Slade declared a personal interest as she was a Trustee of the Museum

21 **FINANCIAL MONITORING (01:00:07)**

The Group had before it and **NOTED** a report * from the Head of Finance presenting a financial update in respect of the income and expenditure so far in the year.

The Principal Accountant outlined the contents of the report, explaining that at this stage the predicted deficit for the year was £78K. If this was the case at year end the reserve would be reduced to £2.3M.

The accountant explained that the purchase of Market Walk had taken place after budgets had been set for 2015/16 and that it was predicted to show a surplus of £363K. Interest payments, repayment of the loan and expenses had to be allowed for and any surplus could be reinvested in economic development.

An area relating to the remit of the Community Well Being PDG showing a significant variance was planning. This was due to enforcement action on a property and additional costs of the Forward Plan.

Recreation and Sport was predicted to show an overspend at the end of year. A report from the Leisure Service had previously been requested for the next meeting of the Group.

It was **AGREED** that a Member Briefing be put in place to explain the monitoring report.

Notes: - Report previously circulated and attached to the Minutes.

22 **PERFORMANCE AND RISK (01.28.33)**

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 2015/16 as well as providing an update on the key business risks.

The Audit Team Leader explained that all performance indicators within the remit of the Group were performing above target with the exception of Leisure. This was due to an overspend on maintenance including some unplanned work on plant and the repainting and cleaning of the tennis courts at Exe Valley, as well as payment of the feasibility study for the extension there. A promotion in the previous year, which gave 15 months membership for the price of 12, had resulted in a drop of renewals but this was expected to rectify itself in October. Swimming income was down for both sites but this was a national trend.

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

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

Leisure Services
Clinical Commissioning Group
Youth Services

(The meeting ended at 3.50 pm)

CHAIRMAN

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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **PLANNING COMMITTEE** held on 29 July 2015 at 2.15 pm

Present

Councillors

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

Apologies

Councillors

R Dolley, P J Heal and D J Knowles

Also Present

Councillors

D R Coren and C J Eginton

Present

Officers

Jenny Clifford (Head of Planning and Regeneration), Tina Maryan (Area Planning Officer), Simon Trafford (Area Planning Officer), Luke Smith (Principal Planning Officer), Aarron Beecham (Forward Planning Assistant), Jo Cavill (Enforcement Officer) and Sarah Lees (Member Services Officer)

28 APOLOGIES AND SUBSTITUTE MEMBERS

Apologies were received from Cllrs: R J Dolley, D J Knowles and P J Heal.

No substitutes were provided.

29 PUBLIC QUESTION TIME (00:03:00)

The following questions were asked in relation to Item 2 on the Plans List (Menchine Farm, Nomansland):

Mr Barry Cornes asked the Committee whether it was aware that the applicant had claimed that he had started a process to seek end of waste certification to make use of the digestate as animal bedding and biomass fuel. The Agriculture and Horticultural Development Board and Dairy Co stated on 31.3.2015 that the use of AD digestate solids or dried digestate solids as bedding was not currently permissible in the UK. Also in the opinion of the European Biogas Association drying solid digestate to process into pellets to burn as biofuel contradicts all claims for sustainability and it is best used as a soil conditioner.

Mrs Virginia Cornes went on to ask, now that the Menchine plant was up and running were Members aware that since it started the residents of Nomansland had suffered an explosion of enormous agricultural vehicles in and around the hamlet often from early morning until last thing at night. If this application was approved the addition of lorry and drag trailers with 20 ton loads could only further increase the cumulative impact of the already unacceptable noise and general disturbance caused to the residents.

Mrs Alison Webb stated that Members would be aware that an appeal decision was still awaited from the Planning Inspectorate to double the power output of the existing AD plant from 500kw to 1mw. Could Members truly accept the officer recommendation to approve this application when the Planning Inspectorate Case Officer had already voiced his opinion that he had insufficient Written Representation? He had now made the decision to hold an Informal Hearing to address his concerns including non-compliance with conditions. This application ought to be deferred until the outcome of the Appeal was known.

Mr Richard Grant stated that he was a newly elected councillor for Thelbridge Parish Council. At his first meeting the application relating to this additional building at Menchine Farm was on the agenda and was briefly discussed. However despite him noting that it is stated that Thelbridge had submitted a statement saying they had no objection, he felt compelled to advise the Committee that in fact no vote was taken to this effect.

Mrs Sally Smyth, Chairman of Cruwys Morchard Parish Council, stated that she would like to make Members aware that she had asked to speak on the Parish's behalf but had been declined as the Chair of Templeton Parish had already requested to speak. However, Miss Coffin from Templeton had offered to withdraw her request as it was Nomansland residents who were primarily concerned with this application, half of whom lived in Cruwys Morchard and not Thelbridge.

Despite this they had both been refused permission to address Members except during question time. However, she felt that a precedent had already been set at previous planning hearings when contiguous parishes were allowed to speak at the agenda item. She wanted therefore to draw the Committee's attention to two key issues, visual impact and transport, raised at the Cruwys Morchard Parish Council meeting regarding this application.

In allowing an appeal in respect of application 12/01659/MFUL Planning Inspector Mike Robins described the site as an uncharacteristically large development of poultry houses and AD plant which did cause some harm to the landscape character. Despite this, the development sprawl by stealth at Menchine farm has continued to be approved contributing to cumulative landscape harm. Are Members aware that the applicant had recently submitted a screening application for a further 5 poultry houses each 86 metres by 12 metres to accommodate 60,000 birds immediately west of this proposed building?

She went on to state that the Planning Officer could confirm that the applicant failed to produce the information required under Condition 8 of the currently approved scheme in relation to traffic movements. This application would, if approved, generate a minimum of 200 additional traffic movements. Surely, compliance with conditions relies on a mutually respectful working relationship between the Local

Planning Authority and the applicant. As he had failed to provide these figures and it had been a significant reason for non-determination, then why with the additional traffic movements would the officers see fit to recommend it? If the Committee cannot refuse this application surely it ought to be deferred until the Appeal outcome was known?

Mrs Sarah Coffin, Templeton Parish Councillor, stated that if the Committee granted this application enabling the doubling of at present between 5 – 20% solid digestate production, where will the doubled proportional 80% liquid digestate be put which is not viable to dry? The applicant had named lands of approximately 500 acres which were occupied by his 'Greener for Life' Co-Director, a company now in administration, as a receptor for the unpasteurised potentially contaminated liquid digestate fertiliser. With no other end market approved the potential of significant loss of safe land access and the reluctance of other local land owners to purchase the digestate, the applicant fails to identify a safe secure end destination that complies with all DEFRA and Environment Agency best practice as well as the 6 kilometre radius in the Local Planning Authority condition. Therefore in view of the failure to fully comply with the planning appeal conditions already mentioned as well as the two water pollution incidents at present under investigation with the Environment Agency involving the applicant and the 'Greener for Life' Co-Director, I ask the Committee to act responsibly and refuse this application.

In responding to the suggestion that Members were being misled by the officer report the Area Planning Officer dealing with this application referred the Committee to page 25 of the report and the second paragraph under policy number DM22 where it stated that 'The proposed building seeks to maximise the recycling opportunities arising from the operation of the AD plant. The building enables the applicant to form fertiliser and/or animal bedding in a pelleted form using the dried digestate that arises from the AD plant. Both processes require a permit from the Environment Agency.' Therefore he suggested that officers had not been misleading.

In relation to the other questions that had been raised he stated that most of them related to the AD plant and the Committee were advised that they should not be considering this application in association with the outstanding AD issues. Regarding the comment from Mr Grant, he stated that he could not comment about the Thelbridge Parish Council meeting as he had not been present, all he could do was show him the response from the Council which said that they did not have any objections.

30 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 1 July 2015 were approved as a correct record and **SIGNED** by the Chairman subject to the following amendments:

- a) Minute 21 - point (ii) should read (c);
- b) Minute 25 – the last line in the first note (a) should read '.....and Councillor Mrs Colthorpe having been present at a neighbouring parish council meeting where it was discussed.'

31 CHAIRMAN'S ANNOUNCEMENTS

The Chairman had the following announcements to make:

- a) She introduced three new officers to the Committee:

Arron Beecham – Planning Assistant in Forward Planning
Naomi Morgan – Planning Assistant in Development Management
Jo Cavill – Enforcement Officer

- b) There would be an informal meeting and presentation from the Knowle Lane developers before the next meeting of the Planning Committee on 26 August 2015 which would also be open to members of the public. This would relate to the Reserved Matters second stage development of 285 dwellings. It was confirmed that the application would not be discussed at the Planning Committee on that particular date but at a later date.

32 DEFERRALS FROM THE PLANS LIST

There were no deferrals from the Plans List.

33 THE PLANS LIST (00:19:00)

The Committee considered the applications in the plans list *.

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

(a) No 1 on the Plans List (15/00382/FULL – *Erection of an agricultural livestock building (889 sq.m) at Land at NGR 299384 112863, Red Linhay, Crown Hill*).

The Head of Planning and Regeneration outlined the contents of the report stating that this application had been deferred from 3 June 2015 for further information with regard to land parcels in connection with the proposal and the approved AD plant to ascertain whether the traffic generation was acceptable.

The site layout was described showing where the existing agricultural buildings were in relation to the proposed new building and the AD plant. The Committee were informed that a new planning application had recently been received relating to a revised scheme for the AD plant. Permission had previously been granted for an AD but a revised scheme was now being applied for. However, the Committee were reminded that the AD plant was not being re-determined at this meeting today and Members should focus their attention on the proposed agricultural livestock building.

During discussion consideration was given to:

- The recently received revised planning application for the AD plant seeking a re-ordering of the plant slightly further down to the south. An increase in generation and capacity was not expected.
- The AD plant being between the canal and the proposed livestock building when viewed from Crown Hill.
- The Committee would have another chance to assess the AD plant when the new application came before it.

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 F W Letch)

Notes:

- (i) Cllrs Mrs H Bainbridge, Mrs C Collis and R F Radford declared personal interests as they were Members of the Grand Western Canal Joint Advisory Committee.
- (ii) Cllr R F Radford made a declaration in accordance with the Protocol of Good Practice for Councillors dealing in planning matters as he had received correspondence and knew the applicant.
- (iii) Cllr R F Radford spoke as Ward Member.
- (iv) Cllrs J L Smith and R L Stanley requested that their vote against the decision be recorded.
- (v) Cllr R F Radford requested that his abstention from voting be recorded.
- (vi) The following late information was received:

Correspondence from applicant 27th July 2015 summarised as follows:

1. We are farming 900 acres, some owned, some rented.
2. The farm is farmed as a whole, there are no acres specifically farmed for the AD plant nor for the cattle. The crops are rotated each year to comply with DEFRA good agricultural practices.
3. We grow a mixture of crops: Grass, Winter Wheat, Winter Barley, Forage Maize, Hybrid Rye, Fodder Beet
4. The AD plant will require 426 acres of crops to enable it to run leaving 474 acres for cattle grazing and other crops.
5. I understand there is some concern that this extra shed for cattle will result in there being more traffic movements. But there will not be because we are still farming our 900 acres and I fail to understand how building another shed will result in there being more traffic movements?
6. The extra cattle are here on site and will remain on site and it is imperative that we can build this shed before the winter as we cannot out winter the cattle. This is due to the fact that we have a pedigree herd of cattle and they need to be housed to keep them in the best possible condition over the winter. In addition we also have 6 pedigree bull calves which were born this spring and they are due to be weaned from their mothers this autumn and will need to be housed separately as the herd and our facilities are regularly inspected for us to achieve our accreditation for beef quality.

(b) No 2 on the Plans List (15/00573/FULL – ***Erection of new building for processing digestate fibre in association with existing AD plant at Land at NGR 283096 113579 (Menchine Farm), Nomansland, Devon.***)(00:49:00)

The Head of Planning and Regeneration reminded the Committee that the AD plant and an associated appeal was not for consideration at today's meeting, the only

issue which needed to be determined was the proposed new building for the digestate fibre.

The Area Planning Officer outlined the contents of the report and the site location by way of presentation. He also informed those present that a site visit had taken place the previous day.

Consideration was given to:

- The size of the floor area to be occupied by the proposed building.
- Additional landscaping which would be a condition if approval was granted.
- The footpath link being an access way rather than a footpath as such.
- Regarding transport issues, the applicant had calculated that there would be approximately 100 additional transport movements as a result of taking products off site. It was noted that during the site visit on the previous day there had been large vehicles passing by with debris spilling on to the roads.
- There being two policies against which this proposal should be determined, DM20 and DM22. Policy DM5 also supported energy production.

RESOLVED that the application be deferred until such time when the Planning Inspectorate has reached a decision regarding the appeal on application number 14/01915/FULL/.

(Proposed by Cllr Mrs J B Binks and seconded by Cllr J D Squire)

Notes:

- (i) Cllr Mrs F J Colthorpe declared a personal interest in that she had known the applicant for some years, Cruwys Morchard was in her District Ward and Templeton Parish Council was in her County Division.
- (ii) Cllr R L Stanley declared a personal interest in that he knew many of the objectors.
- (iii) Cllr Mrs J Binks made a declaration in accordance with the Protocol of Good Practice for Councillors dealing in planning matters as she had been present at a meeting of Thelbridge Parish Council when the applicant had given a presentation. She also declared a personal interest in that she knew many of the objectors and had attended a site visit the previous day.
- (iv) Cllr R F Radford declared a Disclosable Pecuniary Interest and left the room for the duration of this item as he was a chicken farmer with the potential to supply the applicant with material.
- (v) Mr Cole (Applicant) spoke.
- (vi) Mr John Baxter (Objector) spoke.
- (vii) Cllr Mrs J B Binks spoke as Ward Member
- (viii) Cllrs Mrs H Bainbridge, F J Colthorpe and F W Letch requested that their vote against the decision be recorded.

(c) No 3 on the Plans List (15/00681/FULL – Erection of first floor rear extension at 31 Sunnymead, Copplestone, Devon).(01:38:50)

The Area Planning Officer outlined the contents of the report stating that the development was a revised proposal to erect a first floor extension to the rear of the property in order to provide a fourth bedroom. Members needed to consider the application in relation to Policy DM2 which required new development to be of a high quality design showing clear understanding of the characteristics of the site, its wider context and the surrounding area. In addition to this policy DM13 required development not to have a significantly adverse impact on the living conditions of occupants or neighbouring properties. The officer's recommendation was that the design and siting of the proposed extension did not meet these criteria.

A brief discussion took place regarding how unfortunate it was that a better solution to the design issues could not have been forthcoming especially given the family's intention to foster children through Devon County Council.

RESOLVED that this application be refused as recommended by the Head of Planning and Regeneration

(Proposed by Cllr Mrs H Bainbridge and seconded by Cllr F W Letch)

Notes:

- (i) Cllrs Mrs F J Colthorpe and R F Radford declared personal interests as they were Members of Devon County Council.
- (ii) Cllr Mrs J B Binks declared a personal interest as she felt she may have taught the applicant at school.
- (iii) Cllr D R Coren declared a personal interest as he knew the applicant.
- (iv) Cllr J D Squire declared a personal interest as he knew the agent.
- (v) Mr Archer (agent) spoke.
- (vi) A statement was read out from Cllr P J Heal, one of the Ward Members.
- (vii) The following late information was reported:

One further objection has been received and raises the following points:

- The noise from the works will have a detrimental impact on the mental health of the objector
- The applicants caused damage to the neighbours fence last year
- The applicants have tried to buy the objectors back garden and are likely to try again if this application is approved

The issues raised within the representation do not raise any further material planning considerations that the Local Planning Authority can take into account within the assessment of this application.

(d) No. 4 on the Plans List (15/00743/FULL – Conversion of redundant chapel to dwelling at Coombe Head Chapel, Bow, Devon) (01:53:16)

The Area Planning Officer outlined the contents of the report, by way of presentation stating that the proposal to convert the chapel complied with Policy DM11 in that by virtue of its character, design and historic significance it was considered to positively contribute to the area's rural character.

Discussion took place regarding:

- The water supply to the building.
- Drainage pipes would be away from the area of the graveyard.
- Whether living relatives would still be able to access the graves of those interred on the site.
- The need to respect the burial site and preserve the headstones.
- Would access to the graveyard still be allowed should the current owners choose to sell up?

RESOLVED that the application be approved as recommended by the Head of Planning and Regeneration subject to an additional condition:

11. Prior to the commencement of the development, details of the fencing to be erected around the graveyard / burial area together with details of how this area is to be managed and accessed shall be submitted and approved in writing by the Local Planning Authority. The fence shall be erected prior to the first occupation of the building as a dwelling and so retained. Management and access provision of the graveyard / burial area shall be in accordance with the approved scheme.

Reason: To safeguard the graveyard / burial area from disturbance and in order to allow access to the graves in the interests of the amenities of the area.

(Proposed by Cllr R L Stanley and seconded by Cllr Mrs J B Binks)

Notes:

- (i) Cllr Mrs F J Colthorpe declared a personal interest in that she had once employed Mr Badger, the Applicant's Consulting Engineer.
- (ii) Cllr Mrs J B Binks declared a personal interest in that she used to live in Bow and was a former Ward Member.
- (iii) Mrs J Knight (Applicant) spoke.
- (iv) Cllr J D Squire spoke as Ward Member.
- (v) The following late information was reported:

An additional representation has been received from the neighbour which raises further concern with regard to the proposed drainage of the site;

- The information regarding the drainage is not based on an independent assessment of the site
- There has not been an assessment of the level of the ground water table

Further correspondence has been submitted from Kingspan Klargester confirming that the percolation tests were carried out correctly and the size of the soakaway has been calculated based on the formula outlined in Building Control Regulations H2.

(e) No. 5 on the Plans List ***(15/00771/FULL – Formation of layby for parking of vehicles/access to woodland at Land at NGR 268282 111909, (North of Higher Ford House), Chawleigh.)***(02:16:39)

The Area Planning Officer outlined the contents of the report, by way of presentation stating that the proposal was for the formation of a layby for parking of vehicles and for access to woodland.

Consideration was given to:

- Highways issues and the safety implications of speeding cars travelling down a long straight piece of road
- Whether the proposed chain link fence would be adequate to stop fly tipping and Travellers pitching up for the night
- The length of the proposed layby being 14 metres long to accommodate visibility space.

RESOLVED that the application be refused for the following reason: The proposed layby by reason of its location, size and general appearance would have a detrimental impact upon the visual appearance and character of the area contrary to Policies COR18 Mid Devon Core Strategy and DM2 Mid Devon Local Plan Part 3: Development Management Policies.

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

Notes:

- (i) Cllr Mrs J B Binks, Mrs C A Collis, Mrs F J Colthorpe, J M Downes, S G Flaws, R F Radford, 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 regarding this application.
- (ii) Cllr C J Eginton declared a personal interest as the Objector was known to him.
- (iii) Mr Darke (Applicant) spoke.
- (iv) Mr Bulmer (Objector) spoke.
- (v) Cllr C J Eginton spoke as Ward Member

(vi) Cllr J M Downes requested that his abstention from voting be recorded.

(vii) Cllrs Mrs H Bainbridge, R F Radford and R L Stanley would assist the defence of any appeal arising.

(viii) A proposal to approve the officer's recommendation was not supported.

(f) No. 6 on the Plans List (15/00944/FULL – Alterations to provide additional trading units and storage space at Pannier Market, Market car Park, Newport Street).(02:56:06)

The Principal Planning Officer outlined the contents of the report demonstrating what the proposals were through a series of photographs.

Discussion took place with regard to:

- What was going to be stored in the space proposed. It was explained that this storage space would be used by the traders and miscellaneous items would be stored.
- Space still needed to be provided to allow for vehicle movements.
- The proposals would allow for more flexibility.
- High quality materials would be used to facilitate the alterations.

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

(Proposed by Cllr R L Stanley and seconded by Cllr Mrs H Bainbridge)

Notes:

(i) Cllr R L Stanley declared a personal interest as the applicant was Mid Devon District Council and he was the Cabinet Member for Housing and as such had been heavily involved with the development of the proposal.

(ii) Cllr Mrs E J Slade spoke as Ward Member.

(iii) Cllrs S G Flaws and R F Radford had left the room during debate and were therefore not able to vote on the proposal.

(g) No. 7 on the Plans List (15/00945/LBC – Listed Building Consent for alterations to provide additional trading units and storage space at Pannier Market, Market Car Park, Newport Street).(03:11:00)

The Principal Planning Officer outlined the contents of the report stating that the application sought Listed Building Consent for alterations to provide trading units and storage space at the Pannier Market.

RESOLVED that listed building consent be granted subject to conditions as recommended by the Head of Planning and Regeneration.

(Proposed by Cllr J D Squire and seconded by Cllr R L Stanley)

34 **THE DELEGATED LIST (03:12:28)**

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

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

35 **MAJOR APPLICATIONS WITH NO DECISION (03:13:09)**

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

Application 15/01108/MFULL would be brought before the Committee and a site visit would take place if recommended for refusal.

Application 15/00934/MARM would be brought before the Committee and a site visit would take place.

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

36 **APPEAL DECISIONS (03:17:40)**

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.

37 **APPLICATION 15/00779/MFUL - DEMOLITION OF EXISTING GARAGES AND ERECTION OF 26 DWELLINGS WITH ASSOCIATED WORKS AT LAND AT NGR 294775 111860 PALMERSTON PARK, TIVERTON (03:19:10)**

The Committee had before it a report * of the Head of Planning and Regeneration regarding the demolition of existing garages and the erection of 26 dwellings with associated works at Palmerston Park, Tiverton.

The Area Planning Officer outlined the contents of the report stating that the site proposed was extremely challenging in terms of its steep location but that successful development would lead to the provision of 26 affordable dwellings. Objections had been received regarding loss of privacy to neighbouring gardens but this had been dealt with by a condition relating to close board fencing. Arrangements regarding bin access and movement had also been dealt with.

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

(Proposed by Cllr S G Flaws and seconded by Cllr J D Squire)

Notes:

(i) Cllr R L Stanley declared a personal interest and left the meeting for the duration of this item, as he was Cabinet Member for Housing and this was a Housing Revenue Account application.

(ii) * Report previously circulated; copy attached to the signed Minutes.

38 APPLICATION 15/00004/TPO - TREE PRESERVATION ORDER - ALEXANDRA LODGE, OLD ROAD TIVERTON (03:36:20)

The Committee had before it a report * of the Head of Planning and Regeneration regarding the confirmation of a Tree Preservation Order at Alexander Lodge, Tiverton. This was made in response to a proposed development on the Alexandra Lodge site. The Order specifically protected the three more significant trees on the site due to their perceived amenity value.

RESOLVED that the Tree Preservation Order be confirmed.

(Proposed by the Chairman)

Notes:

(i) Cllr R L Stanley declared a personal interest as his wife was a Director of the Tiverton Alms House Trust which was the owner of Alexandra Lodge.

(ii) * Report previously circulated; copy attached to the signed Minutes.

39 APPLICATION 15/00005/TPO - TREE PRESERVATION ORDER - RECREATION GROUND, SAMPFORD PEVERELL (03:40:52)

The Committee had before it a report * of the Head of Planning and Regeneration. The Tree Preservation Order had been made in response to a Conservation Area tree works notification that was made in respect of a number of trees on the site at the Recreation Ground, Lower Town, Sampford Peverell. Two letters of objection had been received in relation to the Tree Preservation Order.

RESOLVED that the Tree Preservation Order be confirmed.

(Proposed by the Chairman)

Notes:

(i) Cllr Mrs H Bainbridge declared a personal interest as she had attended a meeting of Sampford Peverell Parish Council the previous evening where there had been objections to the Tree Preservation Order being confirmed.

(ii) Cllrs Mrs H Bainbridge and Mrs C Collis requested that their abstention from voting be recorded.

(iii) * Report previously circulated; copy attached to the signed Minutes.

Update sheet

(The meeting ended at 6.20 pm)

CHAIRMAN

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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **PLANNING COMMITTEE** held on 26 August 2015
at 2.15 pm

Present

Councillors

Mrs F J Colthorpe (Chairman)
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 R L Stanley

Apologies

Councillor(s)

J M Downes

Also Present

Councillor(s)

B A Moore, T W Snow and Mrs N Woollatt

Present

Officers:

Jenny Clifford (Head of Planning and
Regeneration), Tina Maryan (Area Planning
Officer) and Sally Gabriel (Member Services
Manager)

40 APOLOGIES AND SUBSTITUTE MEMBERS

Apologies were received from Cllr J M Downes.

41 PUBLIC QUESTION TIME

The following questions were asked in relation to Item 1 on the Plans List (Bourchier Close, Bampton).

Mrs Kenny speaking on behalf of Bampton School and her own business asked that Members consider residents' concerns regarding the impact of traffic on Castle Street which was already congested and dangerous. Had this been taken into account?

Mr Chidwick stated that reference to the group of beech trees along the boundary of the site in the ecological report had been dropped from the recent submission. There were no trees shown on the application layout; would the Council consider a tree preservation order on the group of trees?

Mr Hellings stated that his garden as well as 3 other properties had the Shuttern Brook at the end of their garden. In 2013 flood water had eroded the wall in Frog Street and the wall collapsed into the brook. Proposed development would result in more water into the brook which could cause further collapse. Any additional rubble into the culvert could block it with serious results.

The Chairman stated that the questions would be answered when the item was debated.

42 MINUTES OF THE PREVIOUS MEETING

Subject to an amendment to Minute 33 (b)(i) with the inclusion of “and his extended family” after “applicant” and (e) stating that “Cllrs Mrs F J Colthorpe, F W Letch and J Smith requested that their vote against the final decision be recorded”; the minutes of the meeting held on 29 July 2015 were approved as a correct record and signed by the Chairman.

43 CHAIRMAN'S ANNOUNCEMENTS

The Chairman had no announcements to make.

44 MANOR HOUSE HOTEL, CULLOMPTON (00-09-12)

The Committee had before it a *report of the Head of Planning and Regeneration updating Members on the latest situation regarding the repair works at The Manor House Hotel, 2-4 Fore Street, Cullompton and seeking authority to serve an urgent works notice in the event that current work stalled.

The Head of Planning and Regeneration outlined the contents of the report highlighting the background information as set out in the report and the recent events which had led to the closure of Tiverton Road, the programme of works currently taking place and the involvement of Historic England.

The Conservation Officer reported that weekly meetings were taking place with the property owner and structural engineers, it was hoped that remedial works on the Tiverton Road side of the property could be resolved as quickly as possible. The details of work to the timber frames were outlined and the works required to resolve these issues were explained.

The Head of Planning and Regeneration stated that in order to reduce congestion in Fore Street, the Highway Authority had issued a temporary traffic regulation restricting waiting, loading and unloading between specific hours, these intended to remain in place until Tiverton Road was reopened. She stated that there was a need for the progress being made on the property to be sustained and therefore requested that Members approve an Urgent Works Notice which could be used should the current works stall.

Consideration was given to:

- When Tiverton Road could be reopened
- The damage that the pigeons were doing to the building and the pavements and investigations of the Environmental Health Service under the Environmental Protection Act in respect of a possible abatement notice;; Officers stated that coordinated works were taking place with Environmental Health.
- The amount of remedial work that would be required in the long term.

It was therefore

RESOLVED that delegated authority be given to the Legal Services Manager in conjunction with the Head of Planning and Regeneration

a) to take legal action to include the service of an urgent works notice or notices if satisfactory progress is not made to undertake and complete works to the building. In the event of failure to comply with the urgent works notice or notices the consideration of prosecution proceedings, the issue of injunction proceedings or direct action and

b) to specify the requirements of the urgent works notice.

(Proposed by the Chairman)

Notes:

- (i) Cllrs K I Busch, T W Snow and Mrs N Woollatt spoke as Ward Members for Cullompton;
- (ii) *Report previously circulated, copy attached to minutes.

45 **DEFERRALS FROM THE PLANS LIST**

There were no deferrals from the Plans List.

46 **THE PLANS LIST (00-44-32)**

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

- (i) No 2 on the Plans List (***15/01133/TPO – Application to pollard a 3m 1 x Holm Oak Tree protected by Tree Preservation Order 80/0001/TPO – land at NGR 294835 112898 (adjacent to Shortridge Mead Flats), Patches Road, Tiverton.***) be approved subject to conditions as recommended by the Head of Planning and Regeneration

(Proposed by the Chairman)

Note: As the item was a Local Authority application, Cllrs P J Heal and R L Stanley declared personal interests as Chairman of the Decent and Affordable Homes Policy Development and Cabinet Member for Housing respectively.

(b) No 1 on the Plans List (15/00391/MOUT – Outline for the erection of between 15 and 20 dwellings and up to 2500 sq.m of B1 floor space including landscaping, parking and provision of vehicular access from the B3190) – Land at NGR 295599 122818 (North of Bouchier Close), Bampton

The Area Planning Officer outlined the contents of the report by way of presentation highlighting the history of the site and the allocation within Policy BA2 of the AIDPD, the location plan, the site access arrangements, the section through the proposed footpath and the illustrative masterplan. She informed the meeting that a letter had been received from the agent voicing concerns with regard to the officer recommendation within the report and stating that he felt that more weight should be given to the Adopted Local Plan rather than the emerging plan, the layout provided had been indicative and that the quantum of employment space would be dealt with via a reserved matters application. She explained that officers believed that more weight should be given to the emerging plan and therefore she stood by her recommendation within the report.

She answered the questions posed at public question time:

- Traffic issues in Castle Street – the inspector had identified the issue but felt that the need to allocate the site outweighed concerns at the time to do with traffic issues.
- She felt that the flooding issues had not been fully resolved through the application.
- Trees: she agreed that the matter of the group of beech trees would be looked into.

Consideration was given to:

- The emerging Local Plan and the amount of weight that should be given to it and the fact that the site was not proposed for reallocation within the emerging new plan;
- Traffic issues in Bampton;
- Historical flooding issues in the town;
- The issues that the inspector had identified when considering the site in 2007;
- The proposed reclassification of Bampton as a village;
- The employment allocation and whether this was required;
- Poor accessibility along country roads and the impact of the centre of the town;
- Visual impact;
- The steep access from the town to the site;
- COR16 (Core Strategy Local Plan Part 1) and high quality development.

RESOLVED that the outline application be refused as recommended by the Head of Planning and Regeneration.

(Proposed by Cllr R L Stanley and seconded by Cllr P J Heal)

Notes:

- (i) Cllr Mrs F J Colthorpe declared a personal interest as a previous Ward Member and as the current County Councillor;

- (ii) Cllr R L Stanley declared a personal interest as one of the Ward Member's and that he had been involved in discussions with some of the objectors;
- (iii) Cllrs Mrs J B Binks, Mrs F J Colthorpe and R J Dolley made declarations in accordance with the Protocol of Good Practice for Councillors dealing in planning matters as they had received correspondence regarding this application;
- (iv) Mrs Lunel spoke on behalf of the objectors;
- (v) Cllr P P Edwards spoke on behalf of Bampton Town Council;
- (vi) Cllrs B A Moore and R L Stanley spoke as Ward Members;
- (vii) Cllr K I Busch requested that his abstention from voting be recorded.

47 **THE DELEGATED LIST (1-48-56)**

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

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

48 **MAJOR APPLICATIONS WITH NO DECISION (1-50-26)**

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

It was **AGREED** that applications 15/0116/MOUT – South View Road, Willand and 15/01034/MFUL Red Linhay, Crown Hill, Halberton be brought before the Committee and that site visits take place prior to determination.

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

49 **APPEAL DECISIONS (1-52-16)**

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.

50 **PLANNING PERFORMANCE QUARTER 1 2015/16 (1-52-47)**

The Committee had before it and **NOTED** a report * of the Head of Planning and Regeneration providing information on the performance of the Planning Services for quarter 1 within the 2015-16 financial year. She outlined the contents of the report stating that the majority of targets had been met or been exceeded, she highlighted major applications determined within 13 weeks and listed building consents target that were under performing at the present time. She highlighted that in addition to the normal performance reporting she had provided some data with regard to

enforcement issues and had provided within the report a summary of the Government's intention to significantly tighten performance requirements including the planning guarantee for minor applications. She outlined the staffing situation within Development Management and reported that closer working was taking place with North Devon with regard to Building Control.

Discussion followed with regard to:

- Meeting targets with reduced staff
- Members requested information regarding Section 215 Notices
- Planning matters in contiguous wards

Note: * Report previously circulated copy attached to minutes

(The meeting ended at 4.35 pm)

CHAIRMAN