

# Public Document Pack

*Given the level of interest in the meeting it has been decided that the available space for public attendance/viewing will be split into two halves, allowing proponents of each side of the debate equal accommodation and space within the room.*

*Furthermore, in order to ensure that public interest in the meeting can be met, the Chairman has agreed to the waiving of the standard 30 minute limit on public questions. Public questions will be heard beyond the 30 minute agenda item providing that such questions are raising new points for the council's response. The Chairman will reserve the right to close public question time if becomes clear that such questions are proving repetitious.*

## **MID DEVON DISTRICT COUNCIL**

A **MEETING** of the **MID DEVON DISTRICT COUNCIL** will be held in the Phoenix Chambers, Phoenix House, Tiverton on Wednesday, 27 April 2016 at 6.00 pm

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

[The next meeting is scheduled to be held in Tiverton on Tuesday, 10 May 2016 at 6.00 pm]

### **STEPHEN WALFORD**

Chief Executive

19 April 2016

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

Reverend Philip Porter, Baptist Minister for Tiverton Baptist Church will lead the Council in prayer.

### **AGENDA**

- 1 **Apologies**  
To receive any apologies for absence.
- 2 **Minutes** (*Pages 5 - 18*)  
To approve as a correct record the Minutes of the Meeting of Council on 24 February 2016.

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 – [see information on the first page.](#)

5 **Petitions**

To receive any petitions from members of the public.

6 **Notices of Motions**

**(1) Motion 524 (Councillor Mrs C Collis 16 February 2016)**

The following motion had been referred to the Managing the Environment Policy Development Group for consideration and report:

That the Council supports the removal and cessation of the use of all polystyrene cups and all food containers from all council offices and associated premises.

The use of such containers continues to place non biodegradable waste into landfill sites that will take hundreds of years to degrade and continues to threaten wildlife when digested.

Any and all such containers if used as disposable drinks or food containers should be fully certified as biodegradable or easily recycled within normal recycling parameters.

The Policy Development Group at its meeting on 8 March had considered the proposal and recommended that it be supported.

**(2) Motion 525 (Councillors P H D Hare-Scott, N V Davey, C R Slade and Mrs M E Squires – 9 March 2016)**

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

1. That the outcomes of the Local Plan Review pre-submission consultation and subsequent technical work together with officer recommendations be considered by Cabinet and Council prior to plan submissions and;
2. That the report of these outcomes include the implications to the local plan of making a major modification to the Local Plan Review to allocate land at J27 of the M5 for a leisure/retail/tourism and employment development.

In accordance with Procedure Rule 14.4, the Chairman of the Council has decided to allow this Motion (if moved and seconded) to be dealt with at this meeting.

7 **Committee Reports** (*Pages 19 - 128*)

To receive and consider the reports, Minutes and recommendations of the Committees as follows:

(1) Cabinet

- 10 March 2016
- 7 April 2016

2) Scrutiny Committee

- 11 March 2016
- 21 March 2016
- 18 April 2016 (to follow)

(3) Audit Committee

- 15 March 2016

(4) Managing the Environment Policy Development Group

- 8 March 2016

(5) Decent and Affordable Homes Policy Development Group

- 25 February 2016
- 22 March 2015

(6) Community Well Being Policy Development Group

- 29 March 2016

(7) Planning Committee

- 9 March 2016
- 6 April 2016
- 20 April 2016 (to follow)

(8) Standards Committee

- 13 April 2016

(9) Regulatory Committee

- 29 February 2016

8 **Questions**

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

9 **Revised Schedule of Meetings 2016/17** (*Pages 129 - 130*)

To consider a revised Schedule of Meetings if the recommendations of

the Standards Committee are approved.

10 **Appointment**

Following an interim period in the role, it is recommended that the Head of Housing and Property Services be appointed as Electoral Registration Officer and Returning Officer in accordance with Sections 8 and 35 of the Representation of the People Act 1983.

11 **Annual Reports of Audit Committee, Scrutiny Committee and the Policy Development Groups** (*Pages 131 - 146*)

To receive the Annual reports (attached) of the Audit Committee, Scrutiny Committee and the three Policy Development Groups.

12 **Six Monthly Briefing from the Leader**

The Leader, Councillor C J Eginton, will address the Council.

13 **Questions to Cabinet Members**

Cabinet Members will answer questions from Members on their Portfolios.

14 **Members Business**

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

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

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

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

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

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

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

Tel: 01884 234229

Fax:

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

Public Wi-Fi is available in all meeting rooms.

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## MID DEVON DISTRICT COUNCIL

**MINUTES** of a **MEETING** of the **COUNCIL** held on 24 February 2016 at 6.00 pm

### **Present**

#### **Councillors**

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

### **Apologies**

#### **Councillors**

Mrs A R Berry, K Busch, J M Downes,  
Mrs B M Hull and R L Stanley

#### **114 Apologies**

Apologies were received from Councillors Mrs A R Berry, K I Busch, J M Downes, Mrs B M Hull and R L Stanley.

#### **115 Minutes**

The minutes of the meeting held on 6 January 2016 were agreed as a correct record and signed by the Chairman.

#### **116 NABMA Award**

Mrs Zoe Lentell and Mrs Amy Dugard presented an award to the Chairman from the National Association of British Market Authorities which they had received for the Electric Nights Market events in Tiverton.

#### **117 Chairman's Announcements**

The Chairman had the following announcements to make:

- Prior to the meeting he had presented a Long Service Award to Ms Emma Bird (Customer Services) who had completed 25 years service with the District Council.

- He welcomed Stephen Walford (Chief Executive) to his first meeting of the Council.
- Following discussions at the Standards Committee, he requested that Members continue to stand when speaking.

### 118 Public Question Time (00-08-35)

Mr Smith (Chair of Cullompton Town Team) referring to (Cabinet 28 January 2016) Minute 130 – Masterplan – North West Cullompton Urban Extension) asked that the Council make every effort to ensure that the North West Extension is built in accordance with the Design Manual for Roads and Bridges and not the Manual for Streets (MfS). With houses facing onto a new busy road, death or injury would be inevitable. He then quoted from a letter that had been sent to Members in which he stated that:

At a meeting of the Cullompton Town Team on the 4<sup>th</sup> February, we were shocked and alarmed at a report that was received concerning the Northern Relief Road planned from Tiverton Road to Willand Road. The Town Team has requested that I write to you on their behalf.

It was reported from the meeting in Cullompton on Thursday 28<sup>th</sup> January that Ian Sorensen had held to his view that this should be a narrow street with houses fronting directly onto it “to use pedestrians to slow the traffic down”.

Brian Hensley’s email reply to John Berry on 15<sup>th</sup> February 2016 demonstrates a catastrophic misinterpretation of the Manual for Streets (MfS). He says “Kingfisher Reach was agreed through an unusual route. Mid Devon planning committee members originally wanted an extension of Swallow Way, to a similar standard. That type of layout, with a separate distributor road was much more expensive and was effectively made obsolete by the introduction of the Manual for Streets in 2007.”

There is no way that the MfS made a Swallow Way standard of road obsolete – please read again the MfS title page:- “Manual for Streets, published March 2007, gives new advice for the design of residential streets in England and Wales. It represents a strong Government and Welsh Assembly commitment to the creation of sustainable and inclusive public spaces.”

Please also read again the Introduction:- “ Its (MfS) scope is limited to residential and other lightly trafficked streets, although some of its principles may be applied to other road types where appropriate. It is not, however, meant to be used for trunk routes of any description, as these roads are covered by the Highways Agency’s Design Manual for Roads and Bridges. “

Kingfisher Reach is now a continuation of Swallow Way which is a distributor road. Recently, the junction between Swallow Way and Kingfisher Reach was consciously altered so that all of the Swallow Way traffic is directed through Kingfisher Reach – so it is obviously not “lightly trafficked” and is so outside the scope of the MfS.

Mr Brunt again referring to (Cabinet 28 January 2016) Minute 130 – Masterplan – North West Cullompton Urban Extension) stated that: I have been a Cullompton Resident for over 40 years. I own the 18 acres of land to the western edge of the allocated development area under the masterplan and wanted to be involved in the



masterplan development but was prevented from so doing unless I was prepared to sign up to one of the land promoters virtually giving them complete control over my land and its development. I was approached by all the land promoters in turn but they would only take my land forward if I signed up with them. My architect and professional advisor on my behalf approached the professional firm (Messrs Clifton Emery) engaged to draft the masterplan but even after several requests, they were not prepared to enter into any discussion at all due to “client confidentiality”. Was this masterplan under the control of the District Council or under the control of the land promoters? Why was I prevented from being involved in the masterplan unless I signed over my land to one of the promoters who in my opinion had very little practical knowledge of the needs of the local community. I circulated a letter to you last week setting out my intentions for the land and would like to pay tribute to the help I have received from several Members who I understand will be putting forward an amendment today to address my concerns over the formulation of the masterplan. Please may it have your support?

Mr Davis again referring to (Cabinet 28 January 2016) Minute 130 – Masterplan – North West Cullompton Urban Extension) stated that he lived next door to the proposed entrance to the site, as a resident he did not agree that St Georges View should be the temporary access to the site it was too narrow and not wide enough for 2 trucks to pass, he requested that the access be reviewed.

The Chairman indicated that the Head of Planning and Regeneration would provide answers to the above questions during the debate on the item.

Mr Freeman referring to (Cabinet 11 February 2016) Minute 153 – Establishment) stated that he worked on a daily basis with Building Control and Planning officers, over the past 3 to 4 years the number of Building Control officers and inspectors had decreased considerably from 6 inspectors and 1 full time manager to a part time manager and 2 inspectors. He understood the constraints and the need to reduce officers. He asked the authority to look into this and reverse the trend.

The Head of Planning and Regeneration explained that there were 4 Building Control inspectors within the budget and the current situation was temporary. A report would be put before Cabinet at its March meeting in relation to joint working with North Devon with regard to Building Control. Currently the authority shared a Building Control Manager with North Devon to seek a more robust service.

#### 119 **Petitions (00-20-48)**

There were no petitions from members of the public.

#### 120 **Notices of Motions (00-20-55)**

##### **(1) Motion 24 (Councillor Mrs C Collis – 16 February 2016)**

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

That the Council supports the removal and cessation of the use of all polystyrene cups and all food containers from all council offices and associated premises.

The use of such containers continues to place non biodegradable waste into landfill sites that will take hundreds of years to degrade and continues to threaten wildlife when digested.

Any and all such containers if used as disposable drinks or food containers should be fully certified as biodegradable or easily recycled within normal recycling parameters.

The **MOTION** was **MOVED** by Councillor Mrs C Collis and seconded by Councillor Miss C E L Slade In accordance with Procedure Rule 13.4, the Chairman had ruled that this **MOTION STAND REFERRED** to the Managing the Environment Policy Development Group.

#### 121 **Cabinet Report - 14 January 2016 (00-22-24)**

The Leader presented the report of the meeting of the Cabinet held on 14 January.

The Council had before it a questions\* submitted by Councillors: Mrs N Woollatt and Mrs J Roach in accordance with Procedure Rule 12.2(1) together with responses from the Cabinet Member for the Environment.

Councillor Mrs N Woollatt asked a supplementary question in accordance with Procedure Rule 12.2(6)(a) regarding whether the parking meters could be replaced to allow the public to overfeed the meter if there was an overlap in parking times.

The Head of Finance suggested that this was possible.

Councillor Mrs J Roach asked a supplementary question in accordance with Procedure Rule 12.2(6)(a) regarding the differences in the public notice and the published schedule and it was felt that the detail should be mirrored in both documents.

The Head of Finance stated that the public notice was a summary of the schedule. The full schedule was available at the Council offices.

Note:- \* Questions and responses circulated at the meeting, copy attached to minutes.

#### 122 **Cabinet Report - 28 January 2016 (00-40-16)**

The Head of Planning and Regeneration gave a presentation to Members with regard to the details of the masterplanning exercise that had taken place to formulate the document before them. The Core Strategy adopted in 2007 established a growth strategy which concentrated development within the main settlements of the district including Cullompton. An urban extension on the NW side of Cullompton was established within the Allocations and Infrastructure Development Plan Document This was adopted in January 2010 following extensive public consultation and examination by a Planning Inspector. The urban extension had therefore been

established in adopted planning policy for some 16 years with land on this side of Cullompton having been accepted as being an appropriate location to help meet the growth needs of the town. The urban extension was allocated on this basis to provide housing and employment, together with associated infrastructure. The masterplan before Members suggested 1120 houses with 10,000 sq.m of floor space the reduction in employment land was due to a recent employment land review which had stated that employment land in the area had been overprovided as there was employment land allocated at Week Farm and Venn Farm on the other side of Cullompton. The employment land review was based on an assessment of demand, supply and market signals. The plan also set out the location of the school, dwellings, green infrastructure, employment land, affordable housing, a gypsy and traveller site, road infrastructure and a community centre. The Masterplan also set out the triggers and phasing for development.

In answer to Mr Brunt's question she stated that his land was allocated in the planning policy but had not been added to the masterplan process, correspondence had been sent to Mr Brunt on the outset of the process making it clear that the masterplanning process was in the control of the Council. There had been a lack of engagement from Mr Brunt and at no time had the Council prevented him from taking part in the masterplanning process, but this could be overcome by an addendum to the plan. The authority had worked in partnership with the land owners and had overseen the preparation of the masterplanning exercise.

With regard to the temporary access at St Georges View which would be used to serve the early land parcels prior to the opening of the new road. It was recognised that traffic management measures would need to be secured. The masterplan did not design the road; this would be dealt with at the planning application stage. Further meetings would be held at the pre-application stage with local residents, Ward Members and the Highway Authority.

Mr Hensley (Devon County Council, Highway Authority) in reply to Mr Smith's question referred him to the Manual for Streets 2 published in 2010 which covered the issue of frontage development in 20, 30 and 40 mph areas.

The Leader presented the report of the meeting of the Cabinet held on 28 January.

Arising thereon:

**(1) Masterplan – Cullompton North West Urban Extension (Minute 130)**

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

**THAT** the recommendation of the Cabinet as set out in Minute 130 be **ADOPTED**.

Councillor Mrs N Woollatt **MOVED** an **AMENDMENT** seconded by Councillor J L Smith that resolution (d) be added as follows:

(d) That the 10,000 square metres allocated for employment floor space be increased to 40,000 square metres as originally proposed within the Allocations and Infrastructure Development Plan adopted in 2010.

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

“THAT the vote in respect of this **AMENDMENT** shall be by Roll Call”

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

Those voting **FOR** the **AMENDMENT**: Councillors Mrs E M Andrews, R M Deed, R J Dolley, D J Knowles, F W Letch, Mrs J Roach, J L Smith, T W Snow, L D Taylor, N A Way, Mrs N Woollatt and R Wright.

Those voting **AGAINST** the **AMENDMENT**: Councillor: Mrs H Bainbridge, 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, Mrs S Griggs, P H D Hare-Scott, P J Heal, T G Hughes, B A Moore, R F Radford, F J Rosamond, C R Slade, Miss C E L Slade, Mrs E J Slade, J D Squire and Mrs M E Squires.

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

Councillor Mrs N Woollatt **MOVED** a **FURTHER AMENDMENT** seconded by Councillor R J Chesterton that resolution (d) be added to the original recommendation as follows:

The inclusion of the following wording: at (d): That officers work with the owner of land allocated within the western side of the NW Cullompton urban extension to assist him masterplanning his land as an addendum to the existing masterplan document.

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

The Council had before it a questions\* submitted by Councillor Mrs N Woollatt in accordance with Procedure Rule 12.2(1) together with responses from the Head of Finance.

Councillor Mrs N Woollatt asked a supplementary question in accordance with Procedure Rule 12.2(6)(a) regarding whether any other schemes were available to compensate residents of St Georges View during the construction period.

The Head of Finance stated that he could not find any precedents.

Note:-

- (i) Councillor Mrs J Roach requested that her vote against the final decision be recorded;
- (ii) \* Questions and responses circulated at the meeting, copy attached to minutes.

## 123 **Cabinet Report - 11 February 2016 (1-31-35)**

The Leader presented the report of the meeting of the Cabinet held on 11 February 2016.

Arising thereon:

The Council had before it a question with regard to Minute 138 (Clinical Waste)\* submitted by Councillor J Roach in accordance with Procedure Rule 12.2(1) together with a response from the Leader. Councillor Mrs J Roach asked a supplementary question in accordance with Procedure Rule 12.2(6)(a) whether colostomy bags and catheters could be put in general waste or whether this was clinical waste.

The Head of Finance suggested that consultation would take place with all users of the clinical waste scheme including health providers. With regard to whether colostomy bags and catheters were clinical waste he would ask that the Waste and Transport Manager to provide a written response.

### **(1) Cullompton Article 4 Direction Review (Minute 147)**

The Leader **MOVED**, seconded by Councillor Mrs N Woollatt

**THAT** the recommendation of the Cabinet as set out in Minute 147 be **ADOPTED**.

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

### **(2) Corporate Plan (Minute 149)**

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

**THAT** the recommendation of the Cabinet as set out in Minute 149 be **ADOPTED**.

Following clarification that the informative note did not form part of the recommendation; Councillor Mrs Roach withdrew her amendment.

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

The Council had before it questions\* submitted by Councillor J Roach in accordance with Procedure Rule 12.2(1) together with responses from the Leader.

Note:- \* Questions and responses circulated at the meeting, copy attached to minutes.

### **(3) Budget (Minute 151)**

The Leader **MOVED**, seconded by Councillor P H D Hare-Scott:

**THAT** the recommendation of the Cabinet as set out in Minute 149 (a) – (g) be **ADOPTED**.

Councillor N A Way **MOVED** an **AMENDMENT** seconded by Councillor R Wright that an additional resolution be added to Minute 151 "Subject to the car parking charges in the three main towns continuing at the current level and that this be funded by abolishing the posts of Tiverton Town Centre Manager and Market Manager saving £90k (including on costs). The remaining balance of circa £53k to be taken from

general reserves and that the Pannier Market operation should move to a trader self-regulated or co-operative model”.

Following debate, the Chairman **MOVED** in accordance with Procedure Rule 18.7:

“**THAT** the vote in respect of the **AMENDMENT** shall be by Roll Call”

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

Those voting **FOR** the **MOTION**: Councillors: F W Letch, Mrs J Roach, L D Taylor, N A Way and R Wright.

Those voting **AGAINST** the **MOTION**: Councillors Mrs E M Andrews, Mrs H Bainbridge, 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, D J Knowles, B A Moore, R F Radford, F J Rosamond, C R Slade, Miss C E L Slade, Mrs E J Slade, J D Squire and Mrs M E Squires

Those **ABSTAINING** from voting: Councillors: R M Deed, R J Dolley, Mrs S Griggs, J L Smith, T W Snow and Mrs N Woollatt.

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

Councillor N A Way **MOVED** a **FURTHER AMENDMENT** seconded by Councillor F W Letch that an additional resolution be added to Minute 151 “Subject to the Market Street office in Crediton continuing to operate and funded by taking its operational costs of £81k from general reserves”.

Following debate, the Chairman **MOVED** in accordance with Procedure Rule 18.7:

“**THAT** the vote in respect of this **AMENDMENT** shall be by Roll Call”

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

Those voting **FOR** the **MOTION**: Councillors: F W Letch, L D Taylor, N A Way and R Wright.

Those voting **AGAINST** the **MOTION**: Councillors: Mrs E M Andrews, Mrs H Bainbridge, Mrs J B Binks, R J Chesterton, C A Collis, Mrs F J Colthorpe, D R Coren, N V Davey, Mrs C P Daw, W J Daw, R M Deed, Mrs G Doe, R J Dolley, C J Eginton, R Evans, S G Flaws, Mrs S Griggs, P H D Hare-Scott, P J Heal, T G Hughes, D J Knowles, B A Moore, R F Radford, Mrs J Roach, C R Slade, Miss C E L Slade, Mrs E J Slade, J L Smith, T W Snow, J D Squire, Mrs M E Squires and Mrs N Woollatt.

Those **ABSTAINING** from voting: Councillor F J Rosamond.

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

The Chairman **MOVED** in accordance with Procedure Rule 18.7:

“**THAT** the vote in respect of the original recommendation shall be by Roll Call”

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

Those voting **FOR** the **MOTION**: Councillors: Mrs E M Andrews, Mrs H Bainbridge, 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, R M Deed, Mrs G Doe, C J Eginton, R Evans, S G Flaws, Mrs S Griggs, P H D Hare-Scott, P J Heal, T G Hughes, D J Knowles, B A Moore, R F Radford, F J Rosamond, C R Slade, Miss C E L Slade, Mrs E J Slade, T W Snow, J D Squire and Mrs M E Squires.

Those voting **AGAINST** the **MOTION**: Councillors: Mrs J Roach, J L Smith, L D Taylor, N A Way, Mrs N Woollatt and R Wright.

Those **ABSTAINING** from voting: Councillors: R J Dolley and F W Letch.

The **MOTION** was declared to have been **CARRIED**.

The Council had before it a questions\* submitted by Councillor Mrs J Roach in accordance with Procedure Rule 12.2(1) together with responses from the Leader.

Note:

- (i) Cllrs F W Letch and N A Way declared personal interests as Members of Crediton Town Council;
- (ii) \*Questions previously circulated, copy attached to signed minutes.

**(4) Capital Programme (Minute 152)**

The Leader **MOVED**, seconded by Councillor P H D Hare-Scott:

**THAT** the recommendation of the Cabinet as set out in Minute 152 be **ADOPTED**.

The Chairman **MOVED** in accordance with Procedure Rule 18.7:

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

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

Those voting **FOR** the **MOTION**, Councillors: Mrs H Bainbridge, 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, R M Deed, Mrs G Doe, R J Dolley, C J Eginton, R Evans, S G Flaws, Mrs S Griggs, P H D Hare-Scott, P J Heal, T G Hughes, D J Knowles, B A Moore, R F Radford, Mrs J Roach, F J Rosamond, C R Slade, Miss C E L Slade, Mrs E J Slade, J L Smith, T W Snow, J D Squire, Mrs M E Squires and Mrs N Woollatt.

Those voting **AGAINST** the **MOTION**: None

Those **ABSTAINING** from voting: Councillors: F W Letch, L D Taylor, N A Way, R Wright

The **MOTION** was declared to have been **CARRIED**.

#### **(5) Establishment (Minute 153)**

The Leader **MOVED**, seconded by Councillor Mrs M E Squires:

**THAT** the recommendation of the Cabinet as set out in Minute 153 be **ADOPTED**.

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

**Informative Note**: that a further report with regard to staffing issues be brought before the Scrutiny Committee within 6 months.

The Council had before it questions\* submitted by Councillor Mrs J Roach in accordance with Procedure Rule 12.2(1) together with responses from the Cabinet Member for the Working Environment and Support Services. Councillor Mrs J Roach asked a supplementary question in accordance with Procedure Rule 12.2(6)(a) if sickness was being managed, why were so many agency staff being used and why are we are telling everyone that we are reducing staffing costs when actually we have more staff compared to the previous year.

The Head of H R and Development stated that agency workers were used to cover sickness and holidays in the waste service. Several fixed term contracts were in place for specific projects, once the projects were completed the staffing numbers would reduce.

Note \* Questions and responses circulated at the meeting, copy attached to minutes.

#### **(6) Policy Framework (Minute 154)**

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

**THAT** the recommendation of the Cabinet as set out in Minute 154 be **ADOPTED**.

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

#### **124 Council Tax Resolutions 2016/2017 (3.00)**

The Chairman **MOVED**,

**“THAT** the Council Tax for 2016/17 be increased by 2.74% being £187.15 (in accordance with the revised referendum limit ability of £5.00 per Band D property)”

With regard to the draft Council Tax resolution in respect of the year 2016/17.

The Chairman **MOVED** the resolutions to confirm the requirement from the Collection Account for the year 2016/17.

Following debate, the Chairman **MOVED** in accordance with Procedure Rule 18.7:



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

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

Those voting **FOR** the **MOTION**: Councillors: Mrs H Bainbridge, 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, R M Deed, Mrs G Doe, C J Eginton, R Evans, S G Flaws, Mrs S Griggs, P H D Hare-Scott, P J Heal, T G Hughes, D J Knowles, F W Letch, B A Moore, R F Radford, F J Rosamond, C R Slade, Miss C E L Slade, Mrs E J Slade, J D Squire, Mrs M E Squires, L D Taylor, N A Way and Mrs N Woollatt.

Those voting **AGAINST** the **MOTION**: Councillors: Mrs J Roach and J L Smith

Those **ABSTAINING** from voting Councillor: R J Dolley.

The **MOTION** was declared to have been **CARRIED** and it was accordingly:-

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

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

**125 Scrutiny Committee Report - 25 January 2016 (3-03-22)**

The Chairman of the Scrutiny Committee presented the report of the meeting of the Committee held on 25 January 2016.

**126 Scrutiny Committee - Report 22 February 2016 (3-04-40)**

The Chairman of the Scrutiny Committee presented the report of the meeting of the Committee held on 22 February 2016.

Councillor Mrs J Roach had reserved the right to ask a question with regard to the contents of this meeting (Procedure Rule 12.2(1) did not apply as the meeting had taken place following the deadline for written questions). She raised concern regarding the content of the enforcement report and whether the detail in the Part II section had been necessary.

The Chairman of Scrutiny replied stating that the Chief Executive had been tasked to look at the issue of Planning Enforcement.

**127 Audit Committee - Report - 19 January 2016 (3-12.09)**

The Chairman of the Audit Committee presented the report of the meeting of the Committee held on 19 January 2016.

**128 Managing the Environment Policy Development Group - Report - 12 January 2016 (3-13-24)**

The Chairman of the Managing the Environment Policy Development Group presented the report of the meeting of the Group held on 12 January 2016

129 **Decent and Affordable Homes Policy Development Group - Report 26 January 2016 (3-14-11)**

The Chairman of the Decent and Affordable Homes Policy Development Group presented the report of the meeting of the Group held on 26 January 2016.

130 **Community Well-Being Policy Development Group - Report 2 February 2016 (3-14-46)**

The Vice Chairman of the Community Well Being Policy Development Group presented the report of the meeting of the Group held on 2 February 2016

131 **Planning Committee - Report - 13 January 2016 (3-15-41)**

The Chairman of the Planning Committee presented the report of the meeting of the Committee held on 13 January 2016.

132 **Planning Committee - Report 10 February 2016 (3-16-28)**

The Chairman of the Planning Committee presented the report of the meeting of the Committee held on 10 February 2016.

133 **Standards Committee - Report - 3 February 2016 (3-17-14)**

**(1) Constitution**

The Chairman of the Standards Committee **MOVED**, seconded by Councillor N V Davey:

**“THAT** the recommendation of the Standards Committee as set out in Minute 15 be **ADOPTED”**.

Councillor Mrs J Roach **MOVED** an **AMENDMENT** seconded by Councillor R M Deed: **THAT:-** Minute 15 be amended as follows: That the draft Constitution be approved subject to the removal of the last paragraph on page 30 commencing ‘The caveat’.

Following debate and upon a vote being taken, the **AMENDMENT** was declared to have **FAILED**.

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

Note: Councillor R J Dolley requested that his abstention from voting be recorded

134 **Revised Date for the Annual Council Meeting 2016 (3-23-15)**

The Council had before it a recommendation regarding a proposed amendment to the date of the Annual Meeting.

The Chairman **MOVED**, that the date of the Annual Council Meeting be moved from Wednesday 4 May 2016 to Tuesday 10 May 2016 (due to staff resource and room

availability for the Police and Crime Commissioners (PCC) Election taking place on 5 May 2016).

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

### 135 **Ungrouped Vacancies - Planning Committee (3-24-08)**

Following the resignation of Councillors R J Dolley and J L Smith from the Planning Committee, it was necessary to fill the vacancies with Members of the Ungrouped.

Following discussion, no proposals were put forward.

### 136 **Heart of the South West Formal Devolution Bid (3-38)**

The Council had before it a \* report of the Chief Executive requesting Members to formally consider and agree the prospectus for a devolution bid for the Heart of the South West to be submitted to central Government.

The Leader outlined the contents of the report.

Consideration was given to the process following approval of the bid.

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

- a) The submission to be presented to Government as an invitation to commence further discussions as necessary be endorsed.
- b) The Leader of the Council and the Chief Executive be given delegated authority to continue further discussions as necessary.

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

The Council had before it a questions\* submitted by Councillor Mrs J Roach in accordance with Procedure Rule 12.2(1) together with responses from the Leader.

#### Notes:

- i) \* Report previously circulated, copy attached to minutes;
- ii) \* Questions and responses circulated at the meeting, copy attached to minutes.

### 137 **Questions (3-48)**

There were no questions submitted under Procedure Rule 12.2.

### 138 **Questions to Cabinet Members (3-48)**

There were no questions to Cabinet Members.

### 139 **Members Business (3-49)**

- a) The Leader informed Council that the State of the District Debate would take place on Wednesday 25 May 2016, in the Town Hall, Tiverton. The subject of the debate would be Rural versus Urban funding.
- b) Councillor N A Way stated that at the County Council meeting last week, it was agreed that lollipop people would no longer be funded; this would impact on 8 schools across the district. The subject would be further discussed at County Council Scrutiny in March.

### **Amendments and Written Questions**

(The meeting ended at 10.03 pm)

**CHAIRMAN**

## MID DEVON DISTRICT COUNCIL

**MINUTES** of a **MEETING** of the **CABINET** held on 10 March 2016 at 2.15 pm

### **Present**

#### **Councillors**

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

### **Apologies**

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

R J Chesterton

### **Also Present**

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

F J Rosamond

### **Also Present**

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

Stephen Walford (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), Mike Tucker (Building Control Manager) and Sally Gabriel (Member Services Manager)

## 156. **APOLOGIES**

Apologies were received from Cllr R J Chesterton.

## 157. **PUBLIC QUESTION TIME**

There were no questions from members of the public present.

## 158. **MINUTES OF THE PREVIOUS MEETING (00-01-54)**

The minutes of the previous meeting held on 11 February 2016 were approved as a true record and signed by the Chairman.

## 159. **PAY POLICY (00-02-00)**

The Cabinet had before it a \*report of the Head of HR and Development which set out the legislative requirements of the Localism Act 2011 relating to senior pay, in particular the role of the Chief Executive and senior staff. The Localism Act 2011 required an annually published Pay Policy to be adopted by Full Council.

She outlined the contents of the report explaining the pay multiple which was calculated by comparing all taxable earnings for the given year (including base salary, variable pay, bonuses, allowances and the cash value of benefits in kind) for the Chief Executive compared to mean earnings and the lowest paid in the organisation.

Consideration was given as to whether any proposed pay increase had been included within the figures supplied.

| **RECOMMENDED** that the Pay Policy for 2016 be adopted.

(Proposed by the Chairman)

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

160. **PARTNERSHIP WORKING IN BUILDING CONTROL WITH NORTH DEVON (00-07-00)**

The Cabinet had before it a \*report of the Head of Planning and Regeneration informing Members of the business case for delivering the Building Control Service through a Partnership between Mid Devon and North Devon councils for the purpose of gaining approval to prepare for a formal Partnership Agreement.

The Building Control Manager outlined the contents of the report stating that Building Control was a statutory service that operated in a highly competitive commercial environment and as such faced a range of challenges that threatened the viability of the service. Competitors had become established in the area with 31 different approved Inspectors operating in the Mid and North Devon area in 2014/15. As the market matured awareness of alternative providers was now wide spread with those procuring Building Control Services making an informed choice between suppliers. It was therefore essential that the authorities provided a service that customers valued at a competitive price that ensured that the business was sustainable.

He outlined how the Document Management systems would be re-engineered to work for both authorities, the financial implications and the business resilience case for both authorities working together.

Consideration was given to:

- The timescales for the project
- Unified fees
- Governance issues

**RESOLVED** that:

1. Mid Devon District Council and North Devon Councils form a Joint Executive Committee in respect of their Building Control functions to enable joint working to reduce costs and provide resilience.
2. This matter is brought back to Cabinet, once the draft agreement (along with all other aspects of joint working on building control) with North Devon Council has been finalised, so that decisions can be made on the following in respect of a new Joint Committee:
  - i) its membership and formation;
  - ii) the proposed variations to the constitution; and
  - iii) finalise all other details.

(Proposed by the Chairman)

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

**161. DATA PROTECTION POLICY (00-19-03)**

The Cabinet had before it and **NOTED** a \*report of the Head of Business Information Systems reviewing the current policy

The Cabinet Member for Community Well-Being outlined in the contents of the report stating that the revision was in line with current legislation.

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

**162. ASSET MANAGEMENT AND CAPITAL STRATEGY PLAN (CORPORATE) (00-20-14)**

The Cabinet had before it a report of the Head of Housing and Property Services outlining a revised Asset Management and Capital Strategy for 2016-2020.

The Cabinet Member for Housing requested that the item be deferred until the next meeting to allow for further information to be added to the plan.

**RESOLVED** that this item be deferred until the next meeting

(Proposed by Cllr R L Stanley and seconded by Cllr P H D Hare-Scott)

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

**163. TREASURY MANAGEMENT STRATEGY AND ANNUAL INVESTMENT STRATEGY (00-21-20)**

The Cabinet had before it a report \* of the Head of Finance regarding the proposed Treasury Management Strategy and Annual Investment Strategy for 2016/17.

The Cabinet Member for Finance outlined the contents of the report stating that the Council was required to receive and approve, as a minimum, three main reports each year which incorporated a variety of policies, estimates and actuals. He outlined the deposits placed with various banks and requested that an increase in the amount of monies deposited with the CCLA be increased from £2.5m to £4m.

Consideration was given to the timescales for such an investment and the balance of reserves.

**RESOLVED** that

- a) the proposed Treasury Management Strategy and the Annual Investment Strategy for 2016/17, including the prudential indicators for the next 3 years and the Minimum Revenue Provision Statement (Appendix 4), be approved;
- b) an increased investment in the CCLA as outlined in the report be approved.

(Proposed by Cllr P H D Hare-Scott and seconded by Cllr N V Davey)

Notes:

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

**164. PERFORMANCE AND RISK FOR THE THIRD QUARTER OF 2015-16 (00-25-52)**

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

The Cabinet Member for Finance outlined the contents of the report highlighting the performance of the new waste scheme, the target for delivery of new homes, the rent collected as a proportion of rent owed, food inspection issues, leisure receipts, problems within building control which were being addressed and the number of complaints acknowledged. He added that the number of empty shops had decreased which looked very positive.

Consideration was given to the risk report.

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

**165. NOTIFICATION OF KEY DECISIONS (00-35-00)**

The Cabinet had before it, and **NOTED**, its rolling plan \* for March 2016 containing future key decisions.

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

**166. ACCESS TO INFORMATION ACT - EXCLUSION OF PRESS AND PUBLIC (00-35-27)**

The Cabinet were informed that any discussion relating to the financial details contained within the report was likely to involve the disclosure of exempt information. Having considered the commercially sensitive nature of the report it was:

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



(Proposed by the Chairman)

#### 167. **WESSEX PARTNERSHIP**

Arising from a \*report from the Head of Housing and Property Services, the Decent and Affordable Homes Policy Development Group had recommended that the Council serves notice to withdraw from the Devon Wessex Home Improvement Loans scheme and does so no later than 31 March 2016.

The Cabinet Member for Housing outlined the contents of the report highlighting the considerations that had taken place at the Policy Development Group at its meeting in February and informing Members of further discussions and negotiations that had taken place with the Wessex Group in the past week.

Following consideration of the financial issues, the meeting returned to open session and it was

**RESOLVED** that following recent discussions with Wessex Resolutions Community Interest Company regarding withdrawal from the scheme on a 6 month notice basis (rather than the 12 months required notice as in the original agreement), delegated authority be given to the Head of HR and Development in consultation with the Cabinet Member for Housing to withdraw from the scheme giving 6 months' notice if necessary (30 September 2016) following consideration of a proposed pilot scheme currently being implemented in an adjacent authority.

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

Note: - \*Report previously circulated.

(The meeting ended at 3.08 pm)

**CHAIRMAN**

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**CABINET  
10 MARCH 2016**

**PAY POLICY REPORT**

**Cabinet Member** Cllr Clive Eginton  
**Responsible Officer** Jill May - Head of HR and Development

**Reason for Report:** To comply with the legislative requirements of the Localism Act 2011 relating to senior pay, in particular the role of the Chief Executive and senior staff. The Localism Act 2011 requires an annually published Pay Policy which has been adopted by full Council.

**RECOMMENDATION(S):** That the Council agree to adopt the Pay Policy 2016.

**Relationship to Corporate Plan:** To have a robust Pay Policy which ensures good use of public money in respect of the salaries of the most senior employees of the Council that is both transparent and visible. To ensure the Council is able to recruit and retain staff of a sufficiently high calibre who are able to deliver the objectives of the Corporate Plan.

**Financial Implications:** None arising from this report which aims to ensure that the Council pays enough to recruit and retain senior staff, but avoids excessive pay levels.

**Legal Implications:** None directly arising from this report.

**Risk Assessment:** The risk to the Council of not complying with the legislative requirement is mitigated by this report and having a robust performance management system.

**1.0 Introduction**

1.1 Local Authorities must publish a pay policy statement for each financial year. A relevant authority's pay policy statement must be approved by resolution of that authority before it comes into force.

**2.0 Current Performance Management Arrangements**

2.1 At the present time, the Chief Executive is appraised on an annual basis by the group of members set out as the Appointments Panel in the Constitution. The Leader consults Cabinet colleagues and the other two main party leaders on the objectives to be set and these are agreed with the Chief Executive.

2.2 Cabinet and Management Team meet on a monthly basis to monitor progress in each service area. Cabinet members can raise issues with the Chief Executive on performance in any area of the Council.

**Contact for more Information:** Jill May, Head of HR and Development – 01884 234381 / [jmay@midddevon.gov.uk](mailto:jmay@midddevon.gov.uk)

**Circulation of the Report:** Clive Eginton, Management Team, Cabinet, All Members of the Council

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# Human Resources Policy

## Version Control Sheet

*Title: Pay Policy 2016*

*Reference No: HR/*

*Purpose: The Localism Bill requires that all local authorities publish a Pay Policy on an annual basis. The Policy should be agreed by a meeting of Council and be published on the Council's website.*

*The purpose of having a Pay Policy is so that the pay and related rewards structure of the Council is transparent.*

**Owner: Head of Human Resources & Development**  
**[Jmay@middevon.gov.uk](mailto:Jmay@middevon.gov.uk)**  
**01884 234381**

*Date: March 2016*  
*Version Number: 4*

*Status: Final*

*Review Frequency: Every year*

*Next review date: January 2017 to be published by March/April 2017*

# Pay Policy

## 1. INTRODUCTION

Local authorities must publish a pay policy statement for each financial year. This must be approved by a Council resolution before 31 March each year. The Act specifies a number of elements that must be covered by the statement including: the level and elements of remuneration for each chief officer, remuneration of chief officers on recruitment, increases and additions to remuneration for each chief officer, the use of performance-related pay for chief officers, the use of bonuses for chief officers, the approach to the payment of chief officers on their ceasing to hold office under or to be employed by the authority, and the publication of and access to information relating to remuneration of chief officers.

The specific part of the Localism Act 2011 relating to a pay policy is Section 38 (1). Pay is an emotive issue for staff, Councillors and also for the public at large. Transparency in what and how we pay our senior staff particularly, but also all council employees is of paramount importance.

A pay policy statement will be updated and taken to full Council each year in March in this way a clear view of the salaries and benefits paid to the most senior staff at the Council can be tracked.

## 2. REFERENCES

Equal Pay Act  
Equality Act 2010  
Localism Act 2011

## 3. SCOPE

This policy applies to:-

- Chief Executive Officer including Head of Paid Service responsibilities
- Heads of Service including Monitoring Officer responsibilities and Section 151 Officer responsibilities

## 4. POLICY

Clarity in the provision of pay and other benefits is essential to ensure that the Council can attract and retain good calibre employees at all levels but particularly so at the most senior level.

In the context of managing scarce public resources, remuneration at all levels within the Council needs to be adequate to secure and retain high-quality employees dedicated to the service of the public, but at the same time needs to avoid being unnecessarily generous or otherwise excessive.

This pay policy statement applies specifically to chief officers (a term which includes both statutory and non-statutory chief officers which for the purposes of this policy are the Heads of Service) and addresses the legal requirement to set out how the policy for agreement of chief officer remuneration differs to that of other Council employees. For the purposes of this statement this includes:

- **Chief Executive Officer (Head of Paid Service)**
- **Head of Financial Services Section 151**
- **Head of Customer Services**
- **Head of Housing and Property Services**
- **Head of Planning and Regeneration**
- **Head of Communities and Governance**
- **Head of Business Information Systems**
- **Head of Human Resources and Development**

The definition of chief officers (as set out in section 43(2) of the Localism Act 2011) is not limited to Heads of Paid Service or statutory chief officers. It also includes those who are their direct reports (who may or might not be statutory chief officers).

The metric used for pay dispersion is the multiple of chief executive to mean earnings. Tracking this multiple will ensure public service organisations are accountable for the relationship between the pay of their executives and the wider workforce. Through this pay policy statement Mid Devon will track this multiple annually. **(This is shown as Officer Remuneration shown in accounts)** (please see Appendix A):

- the level and elements of remuneration for each chief officer
- the remuneration of the lowest paid employees
- the relationship between the remuneration of its chief officers and other officers
- other specific aspects of chief officer remuneration.

**In respect of Officer Remuneration Note in accounts:** It should be noted that this information will relate to the previous year as shown in the annual accounts.

- Salary, fees and allowances
- Bonuses
- Expenses allowance
- Compensation for loss of employment
- Employers pension contribution
- Any other emoluments

### **Pay multiple**

this is calculated by comparing all taxable earnings for the given year (including base salary, variable pay, bonuses, allowances and the cash value of benefits in kind) for the Chief Executive compared to mean earnings and the lowest paid in the organisation.

### **Specific Policy Areas**

The National Joint Negotiating Committee has previously emphasised that ‘it is good governance that local authorities can demonstrate that decisions on pay and reward packages for chief executives and chief officers have been made in an open and accountable way.’

Currently the remuneration package payable to the Chief Executive is derived from the National Joint Council guidance. The Chief Executive remuneration is paid on a scale relating to the population of Mid Devon.

The remuneration package payable to the Heads of Service is negotiated through the Joint National Council and more specifically each Head of Service role is subject to job evaluation. The job evaluation that the Council uses is the Green Book Scheme. However unlike the remainder of the Council’s employees for whom the process is entirely self contained within the Council all job evaluation request/reviews for the Heads of Service are addressed externally via South West Councils. South West Councils are expert in the field of job evaluation and in particular the Green Book Scheme and also give a transparency and impartiality to the process.

The Leader of the Council may recommend to Full Council changes to the remuneration package following an annual review. Any changes to the remuneration packages will be subject to Full Council approval.

Salary increases in relation to cost of living will be made in line with National Joint Council recommendations.



The use of market supplements may be applied in certain circumstances but at present are not considered necessary for any senior role.

At present, there are no additional payments made to senior officers which specifically relate to performance such as performance bonuses; neither is there an element of pay which can be enhanced for performance. Performance issues will be dealt with through the achievement of agreed objectives and appraisal review process.

Any termination payments to chief officers on ceasing office will comply with Mid Devon District Council's Redundancy Policy and no additional payments will be made without the express approval by Full Council.

Through this policy the pay multiple of the Chief Executive will be monitored annually. Should the multiplier between the annual salary paid to a full time employee on the lowest spinal column point and the annual salary paid to the Chief Executive be greater than 10, this will be reported by the Leader of the Council to Full Council for consideration.

**Our support for apprenticeships, which may be considered a temporary employment, will not be used to skew the pay multiple metric and we will therefore be using the same pay level measure as before. In order to ensure complete transparency however we have also included the salary of apprentices.**

There are no arrangements currently in place for tax and national insurance payments to be paid other than through the normal channels, ie through the normal PAYE route for all officers of the Council.

## **5. PAYMENT OF RETURNING OFFICER**

Additional payments are set and made by Central Government to officers carrying out additional duties at elections. These payments will only be received when elections take place and although fixed, do vary according to the type of election for which the payment is made. These payments are not within the scope of this policy.

## **6. OTHER ISSUES - RECRUITMENT**

It has become apparent in the last few months that recruitment is now becoming an issue for this Council. There have been several occasions where we have had little or no response to advertisements. This is a cause for concern in all areas but currently Planning and ICT are experiencing the most difficulties.

## **7. OUTCOMES**

In introducing this policy Mid Devon District Council will ensure that the process for setting pay at a senior level is transparent. This policy will be reviewed annually to track the relationship of chief officer pay with the rest of the workforce.

## **8. PERFORMANCE MONITORING**

Annual monitoring of this policy will take place in March. Monitoring of the Chief Executive's performance takes place through an annual appraisal process.

## **9. POLICY/STRATEGY CONSULTATION**

This policy will be agreed with the Council's Management Team, Cabinet and Full Council.

## **10. EQUALITY IMPACT CONSIDERATIONS**

The principles of equal pay are integral to this policy. 'Equal work' is defined as:

- Like work where the woman and the man are doing the same job or
- Work rated as equivalent where the 2 jobs are different but have been evaluated by the employer's job evaluation scheme (JES) at the same level/grade or
- Work of equal value where the jobs are again different but an argument is made that both jobs should be regarded as being of equal value or worth.

## **11. RESPONSIBILITIES**

The Head of HR and Development will be responsible for this policy and for updating information on an annual basis.

## **12. RECORDS**

Documents and records generated as a result of the application of this policy will be retained permanently on the individuals personnel file.

Records of any changes will be held electronically will be held permanently on the Council's HR information system.

All records will be maintained and processed in compliance with the Data Protection Act.

### 13. DOCUMENT HISTORY

Date	Version	Update
17/02/2015	4	Pay Policy

1. The levels and elements of remuneration for each chief and senior officers are:

Post Title	Remuneration		Car Allowances	
	2015/16	2014/15	2015/16	2014/15
Chief Executive	X 1 £89,630 to £99,590	x 1 £87,873 to £97,637	N/A	N/A
Heads of Service: <ul style="list-style-type: none"> <li>• Planning and Regeneration</li> <li>• Environmental Services (left 31/12/14)</li> <li>• Housing and Property Services</li> <li>• HR and Development</li> <li>• Financial Services</li> </ul>	Point 17 £60,168 to £63,850	Point 17 £58,873 to £62,476  From 1 January 2015 – Point 17 £60,168 to £63,850	N/A	N/A
Head of Service: <ul style="list-style-type: none"> <li>• Communities and Governance</li> </ul>	Point 17 £60,168 to £63,850	Point 16 £54,387 to £57,717  From 1 January 2015 Point 16 £55,584 to £58,987	N/A	N/A
Heads of Service: <ul style="list-style-type: none"> <li>• Business Information Services</li> </ul>	Point 15 £51,351 to £54,495	Point 15 £50,246 to £53,322  From 1 January 2015 Point 15 £51,351 to £54,495	N/A	N/A

Heads of Service: • Customer Services	Point 13 £43,489 to £46,512	Point 13 £42,905 - £45,511  From 1 January 2015 Point 13 £43,849 to £46,512	N/A	N/A
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2. The FT remuneration of the lowest paid employee.

Post Title	Remuneration		Other Allowances	
	2015/16	2014/15	2015/16	2014/15
Office Cleaner	£13,500	£12,450 (from 1/1/15 £13,500)	None	None
Apprentice	£5,267 (from 1/10/15 £6367)	£5,218	None	None

3. The multiplier of the remuneration of the Chief Executive based upon taxable earnings.

Category	Total Remuneration (including cash value of Company Car and travel allowances)	
	2015/16	2014/15
Pay multiple of Chief Executive to Mean	5.30	5.49
Pay multiple of Chief executive to lowest paid FT employee	7.37 (based on office cleaner)	7.23 (based on office cleaner)
	15.64 (based on apprentice rate)	18.7 (based on apprentice rate)

Category	Total Remuneration (including cash value of Company Car and travel allowances)	
	2015/16	2014/15
Annual Mean Pay of all employees (Total Salaries/Number of contracts)	£18,812.26	£17,791.95

#### 4. Officer Remuneration Note in Accounts

##### Publication of Officers Remuneration

We are required to publish the following information in respect of officer remunerations:

- a) The number of employees whose remuneration in the year was greater or equal to £50,000, grouped in rising bands of £5,000.
- b) An analysis by job title of the remuneration and employer's pension contributions in respect of senior employees whose salary is £50,000 or more per year (or by name and job title where the salary is £150,000 per year)

Mid Devon District Council Financial Statements and Notes to the Accounts for the year ended 31 March 2014

#### 5. Officers' Emoluments

This table includes all statutory and non-statutory posts whose overall remuneration exceeds £50k excluding pension contributions and non-taxable allowances.

Remuneration Band	2013/14		2014/15	
	Number of Employees	Left During Year	Number of Employees	Left During Year
£50,000 - £54,999	1	0	1	0
£55,000 - £59,999	1	0	1	0
£60,000 - £64,999	4	0	2	0
£65,000 - £69,999	1	0	1	0
£95,000 - £99,999	1	0	1	0
£115,000 - £119,999	0	0	1	1
£135,000 - £139,999	0	0	1	1

Note - there is one employee not included in the above banding table that has been included in the listing of statutory officers shown below, this was due to the Officer relinquishing their role part way through the year.

In completing the 2013/14 Accounts we have complied with the statutory instrument regarding officer emoluments. The statutory instrument requires the individual naming of any officers with an annual salary of £150,000 or more and the post title of any officers earning £50,000 or more who occupy statutory roles or are responsible for managing the strategic direction of services.

The Council had no officers earning at or in excess of £150,000 in 2013/14.

## Statutory officers earning in excess of £50,000

Post Title	Financial Year	Salary (Including Allowances)	Compensation for Loss of Employment	Expenses	Benefits in Kind	Total Remuneration excluding pension contributions	Pension Contributions	Total Remuneration including pension contributions
Chief Executive	2014/15	97,637				97,637	18,356	115,993
	2013/14	97,637				97,637	17,868	115,505
Head of Business Information Services	2014/15	54,175				54,175	10,185	64,360
	2013/14	53,322				53,322	9,758	63,080
Head of Planning and Regeneration. Note 1	2014/15	62,819	73,471			136,291	11,810	148,101
	2013/14	62,476				63,476	11,433	73,909
Head of Financial Services	2014/15	62,819				62,819	11,810	74,630
	2013/14	62,476				62,476	11,433	73,909
Head of HR & Development	2014/15	62,819				62,819	11,810	74,630
	2013/14	61,249				61,249	11,209	72,458
Head of Communities and Governance	2014/15	58,034				58,034		58,034
	2013/14	56,586				56,586		56,586
Head of Environmental Services. Note 2	2014/15	46,857	71,890			118,747	8,809	127,556
	2013/14	61,249			1,078	62,327	11,209	73,536



Head of Housing & Property Services								
	2014/15	66,453				66,453	12,423	78,876
	2013/14	64,420			1,078	65,498	11,787	77,285

Note – the amounts included in the above table are shown gross of any related tax that would be levied.

The pension contribution figures have increased from 18.3% to 18.8%, which is the new common contribution rate applicable from 2014/15 onwards.

Note 1. The head of Planning left this Authority on 31 March 2015.

Note 2. The head of Environmental Services left this Authority on 31 December 2014.

### Termination benefits

#### 2014/15

Exit Package Cost Band	Number of Compulsory redundancies	Number of other departures agreed	Total number of exit packages by cost band	Total cost of exit packages in each band
				£000
£0 - £19,999	1	6	7	38
£20,000 - £39,999	1		1	29
£40,000 - £59,999				0
£60,000 - £79,999	2		2	145
				212

#### 2013/14

Exit Package Cost Band	Number of Compulsory redundancies	Number of other departures agreed	Total number of exit packages by cost band	Total cost of exit packages in each band
				£000
£0 - £19,999	4	3	7	55
£20,000 - £99,999	0	1	1	22
				77

Note – these termination benefits have been made more than offset by future salary savings as most of these posts have not been replaced.

## MID DEVON DISTRICT COUNCIL

**MINUTES** of a **MEETING** of the **CABINET** held on 7 April 2016 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)**

F J Rosamond

### **Also Present**

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

Stephen Walford (Chief Executive), Amy Tregellas (Head of Communities and Governance and Monitoring Officer), Jenny Clifford (Head of Planning and Regeneration), Christine McCoombe (Area Planning Officer) and Sally Gabriel (Member Services Manager)

## 168. **APOLOGIES**

There were no apologies.

## 169. **PUBLIC QUESTION TIME**

There were no members of the public present.

## 170. **MINUTES OF THE PREVIOUS MEETING (00-00-48)**

The minutes of the previous meeting held on 10 March 2016 were approved as a true record and signed by the Chairman.

## 171. **PLAY AREA INSPECTION POLICY (00-01-48)**

Arising from a \*report of the Head of Housing and Property Services, the Managing the Environment Policy Development Group had recommended that:

- (i) The current risk assessments and safety inspections are considered adequate to meet the Council's responsibilities and for individual pieces of play equipment to be identified on the Risk Assessment forms as stated in 4.1.
- (ii) Digital transformation of the current inspection method would make the task more efficient, as detailed in 4.2. and that an evaluation of this process would be undertaken by officers.

The Cabinet Member for the Environment outlined the contents of the report highlighting the number of play areas in the district, the maintenance and the

inspection of equipment that took place. He also explained the need for a digital records system to improve the inspection methods.

**RESOLVED** that the recommendations of the Policy Development Group be approved.

(Proposed by Cllr N V Davey and seconded by Cllr Mrs M E Squires)

Note: \*Report previously copy attached to minutes.

#### 172. **CLIMATE STRATEGY AND ACTION PLAN (00-03-27)**

Arising from a \*report of the Head of Housing and Property Services, the Managing the Environment Policy Development Group had recommended that the updated Climate Change Strategy and Action Plan be approved.

The Cabinet Member for the Environment outlined the contents of the report stating that the Strategy and Action Plan was a compilation and summary of existing relevant documents and actions across the Council and a statement on central government policy and guidance. The document had been updated as previously agreed to ensure its accuracy reflecting other updates and emerging guidance. The authority had a good track record with the use of solar energy on housing stock and corporate buildings which promoted green credentials.

Consideration was given to:

- The lack of specific targets and any monitoring scheme
- The need for the strategy to be appropriate to the authority
- The detail in the action plan

**RESOLVED** that the recommendations of the Policy Development Group be approved.

(Proposed by Cllr N V Davey and seconded by Cllr P H D Hare-Scott)

Notes:

- (i) Cllr R L Stanley requested that his abstention from voting be recorded;
- (ii) \*Report previously copy attached to minutes.

#### 173. **HOUSING SERVICES ALLOCATIONS POLICY (00-10-39)**

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 Housing Services Allocations Policy be approved.

The Cabinet Member for Housing outlined the contents of the report stating that homes in the District which become available for letting were allocated appropriately in order to make best use of the stock. The revised Allocations Policy set out the

authority's approach to the use of preference labels on adverts for available properties through Devon Home Choice and reinforced the cascade process.

Consideration was given to the homeless; Members were informed that this was dealt with via a different strategy.

**RESOLVED** that the recommendations of the Policy Development Group be approved.

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

Note: \*Report previously copy attached to minutes.

#### 174. **SINGLE EQUALITIES POLICY 2016-17 (00-13-13)**

Arising from a \*report of the Head of Communities and Governance, the Community Well-Being Policy Development Group had recommended that the revised Single Equalities Scheme and Equality Objective be approved.

The Cabinet Member for Community Well-Being outlined the contents of the report stating that the policy had been revised in line with the Equalities Act 2010 and did reflect the various strands within the Corporate Plan.

Consideration was given to:

- The balance of the Citizens Panel used for consultation purposes
- The work of the Devon Equalities Group
- The possibility of making reference to the Single Equality Scheme on the front page of the corporate report template alongside legal implications and risk assessment.

**RESOLVED** that the recommendations of the Policy Development Group be approved.

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

Note: \*Report previously copy attached to minutes.

#### 175. **TIVERTON EASTERN URBAN EXTENSION DESIGN GUIDE (00-18-44)**

The Cabinet had before it a \*report of the Head of Planning and Regeneration requesting it to consider the draft design guide for the Tiverton Eastern Urban Extension.

The Cabinet Member for Planning and Economic Regeneration outlined the contents of the report highlighting the consultation process that had taken place to date and the role of the design guide which sought to bring clarity to design requirements for the whole of the Eastern Urban Extension. He explained the method of design requirements throughout the whole site based on the theme of a new garden neighbourhood for Tiverton.

Consideration was given to:

- Minor amendments to the wording within the guide
- Comparison developments
- What weight the guide would have within the planning process
- The possibility of translating the design guide into a Supplementary Planning Document and the weight that this would have in planning terms
- The cost and resource required to produce a Supplementary Planning Document

**RESOLVED** that Members were minded to approve the document but wished to defer the decision to allow for minor amendments to be made to the wording of the guide and for consideration of the implications, costs and timescales of developing a Supplementary Planning Document as an addition to the guide.

(Proposed by Cllr R L Stanley and seconded by Cllr C R Slade)

Note: \*Report previously copy attached to minutes.

#### 176. **TOURISM ACTION PLAN (00-42-53)**

Arising from a report from the Head of Communities and Governance, the Community Well-Being Policy Development Group had recommended that the Tourism Action Plan for 2016/17 be approved.

The Cabinet Member for Planning and Economic Regeneration outlined the contents of the report which highlighted the work programme in terms of tourism for the 2016/17 financial year and stated that this item had been deferred from the February meeting to allow for further information to be obtained with regard to activities taking place in the rural areas. The action plan sought to consider a full audit of tourist attractions and activities across the district which would include the rural areas.

Consideration was given to:

- Activities already taking place in the rural areas and the need to gather further intelligence
- The need for a joined up plan for both rural areas and town centres
- The Corporate Plan and the clear steer given by Members with regard to town centres and tourism
- The use of social media to disseminate information
- Working with the community and Town and Parish Councils to help coordinate rural events.

**RESOLVED** that the Tourism Action Plan be approved

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

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

**177. NOTIFICATION OF KEY DECISIONS (00-57-28)**

The Cabinet had before it, and **NOTED**, its rolling plan \* for April 2016 containing future key decisions.

Members were informed of the following movements:

The addition of the following reports for the May meeting: the Statement of Community Involvement for Consultation and Waste Storage Supplementary Planning Document for Consultation.

S106 Monitoring Fees to be moved to the June meeting.

Masterplan – Area B, Tiverton Eastern Urban Extension to be moved to September.

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

(The meeting ended at 3.15 pm)

**CHAIRMAN**

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## MID DEVON DISTRICT COUNCIL

**MINUTES** of a **MEETING** of the **SCRUTINY COMMITTEE** held on 11 March 2016 at 4.00 pm

### **Present**

#### **Councillors**

F J Rosamond (Chairman)  
Mrs H Bainbridge, Mrs A R Berry,  
Mrs J B Binks, R M Deed, Mrs G Doe,  
T G Hughes, Mrs J Roach, T W Snow and  
N A Way

### **Apologies**

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

Mrs C P Daw

### **Also Present**

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

D R Coren, J M Downes, C J Eginton, F W Letch,  
Mrs M E Squires and R Wright

### **Also Present**

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

Stephen Walford (Chief Executive), Jill May (Head of HR and Development), Liz Reeves (Head of Customer Services) and Julia Stuckey (Member Services Officer)

## 136 **APOLOGIES AND SUBSTITUTE MEMBERS**

Apologies were received from Councillor Mrs C P Daw.

## 137 **MINUTES OF THE PREVIOUS MEETING**

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

## 138 **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman had no announcements to make.

## 139 **MR JOHN FINN - CLINICAL COMMISSIONING GROUP**

The Chairman welcomed Mr John Finn, Managing Director of the Eastern Locality Northern Eastern and Western Devon Clinical Commissioning Group (CCG) to the meeting.

**Councillor Mrs J Roach asked Mr Finn who made decisions regarding what could be prescribed in terms of gluten free bread and cakes? She asked was it possible to review this in the light of the fact that gluten free food was now readily available in supermarkets and health food shops?**

Mr Finn replied that decisions regarding prescriptions were down to the individual GP. He stated that the CCG supported GP's to make the most effective use when prescribing but there were currently no formal guidelines for what they could

describe, although items were mainly staple items and not luxuries such as cakes and biscuits. Consideration was being given to guidance and he offered to provide an update at a future meeting.

**Cllr Mrs Roach said that many people she knew had drugs on prescription which were available over the counter; they had them on prescription because the over the counter drugs were sold in relatively small packets. Most would be willing to pay for the drug. Was there any non-bureaucratic way of addressing this issue, thus freeing up money for cancer drugs etc?**

Mr Finn replied that when possible, in small doses, people should be encouraged to buy their own items, such as paracetamol. However, he explained that limits on the number that could be purchased had been introduced to limit suicides and this had proved successful. He explained that a leaflet regarding medicines for self-care was being produced for instances where a pharmacist could help a patient to self-medicate.

**Cllr Snow asked why medication was cheaper abroad than in this country** to which Mr Finn explained that he was not aware of a price differential but that there had been a period of time when European companies were buying up stock and therefore pushing up prices, he considered that this practice had now ceased.

**Cllr Mrs Roach then asked a question regarding bed blocking. She said that despite denials from many that bed blocking was a problem in Devon, she had seen at first hand the number of beds that were blocked on one ward by older people who were waiting for transfers from the RD&E. She asked who kept records of bed blocking and which organisation considered the impact of bed blocking on other agencies such as the ambulance service?**

Mr Finn explained that records regarding bed blocking were kept by the provider and reported nationally on a monthly basis through the Better Care Fund. He considered that one provider for acute and primary care could help the situation (as in North Devon) and that he had aspirations that this would be the case when the Royal Devon and Exeter (RDE) took over in this area.

**Cllr Mrs Roach then said that despite reassurances that Social Services and the NHS were able to provide care for people in their own homes, she had evidence that there were insufficient carers to meet the needs of people who required care at home. In one case it took thirteen months to find the care needed to enable someone to return home from a nursing home. Who was responsible for the overall planning and who was the named person who had that responsibility?**

Mr Finn stated that transfer to a community hospital was not always the best course of action and that getting a patient back home was a main aim, with an appropriate care scheme in place. Commissioning of Social Care was the responsibility of the local authority (DCC). He had been advised that DCC had revised its procurement arrangements for social care by providing a number of accountable providers and he considered this to be a good step forward. Mr Finn offered to attend a future meeting of the Committee with DCC Officers in attendance so that they could each answer questions regarding their own areas of responsibility.

**Cllr Mrs J B Binks asked Mr Finn how he viewed the value of IT and specifically tele-health and tele-care, given the huge problems of delivering health care in a large, sparse and rural county.**

Mr Finn responded by saying that it was important to embrace IT but evidence was weak at the moment and its benefits needed to be proven by evidence based trials. He explained that some trials had been successful, including remote monitoring of prostate cancer patients. It was hoped that this could be rolled out into further areas, in particular for patient follow up and that with budgets being stretched this needed to be embraced. Mr Finn stressed however that these methods would only be used when they had been tested and it was proven safe to do so.

**Cllr Mrs J Binks also asked for more specific details about the use of Crediton Community Hospital as a health hub following the recent decision to close inpatient beds. The people of Crediton and its rural catchment deserved facts not flummery on the exact services which were to be put in place to replace the inpatient beds facility, together with the rationale behind the thinking. Given the difficulties of rural transport and the lack of decent digital infrastructure in the rural surrounds, how were these services going to be accessed by all patients? Further, the question of ownership of property at Crediton Hospital, much of which was provided by the Crediton Hospital League of Friends for the benefit of inpatients and their friends and families, needed to be addressed transparently and speedily if recent actions like the withdrawal of support from LoF in Moretonhampstead were to be averted. How are you going to resolve the issue of property ownership here?**

Mr Finn explained that the question of ownership was a national issue and that the CCG had been proactive in challenging this. National policy would not allow community ownership and the property still remained part of the NHS. Mr Finn explained that a single officer had been appointed to work with the local population regarding this; Charlotte Ives would be responsible for Development Hubs.

**Cllr F J Rosamond asked with financial resources under strain, what mechanism would be adopted if rationing or a reduction in service provision was required?**

Mr Finn stated that it was not a matter of rationing, but a matter of efficient use of health resources to provide care. He said that there were opportunities to free up resources and that for example the spend on elective surgery in this region was higher than elsewhere in the country. This needed to be investigated to find out why in order that resources could be used appropriately. He agreed that an aging population could be more prone to problems such as loneliness and depression and that funds diverted from elective surgery could be reinvested in these areas. The Hubs would also be proactive in this area.

**Cllr Rosamond also said that he had heard that when consultants practiced at Tiverton Hospital, they could be limited in scope by the absence of key piece of equipment causing elderly people to travel to Exeter. What could be done to improve facilities within Tiverton Hospital?**

Mr Finn explained that he hoped the forthcoming change of provider would help with this situation and then there would be a full review of services. It may be that they

would look to specialise in different areas. He also suggested that the League of Friends had a role to play in this.

**Cllr Mrs R Berry informed Mr Finn that she had noticed a display stand regarding prostate cancer at the RDE which provided dietary advice which she considered to be inappropriate.**

Mr Finn responded that this was an area where the CCG and local authorities providing public health and social services needed to work together. He reiterated his offer to attend a future meeting of the Committee along with colleagues from public health and social care at Devon County Council, in order to more fully answer such points.

The Chairman thanked Mr Finn for his time and for his offer to attend a future meeting.

Note: - Cllr Mrs J B Binks declared a personal interest as she was a member of the Crediton League of Friends.

#### 140 **PUBLIC QUESTION TIME (1.01.48)**

Mr M Brett, referring to agenda item 6, said that the beneficial effect on the vitality and well-being of rural economies provided by good internet connectivity was well established. Despite all the positive spin applied to the successful provision of faster broadband, the 10% of the Devon Population deemed to be least cost effective to reach were still largely unserved. They currently suffer not only from unreliable and slow broadband, but also from a complete lack of meaningful data from anyone about what they might end up with, and when. The longer provision under the government's scheme takes, the less suitable the performance capabilities of that service become. Many observers regard the superfast broadband currently being installed by the monopoly supplier as already technically obsolete, and certainly not well suited for the sorts of digital involvement that government, local councils and medical agencies (amongst others) are hoping to develop in order to improve services and save money in the long term.

The campaign group "Broadband for Rural Crediton" (which I am representing today) has been created in Sandford and Creedy Ward in an attempt to counteract the 'spin' and increase public awareness of the true facts (both good and bad) surrounding this complex topic. We are even exploring the feasibility of a community led scheme to install high performance fibre to the home ourselves.

A meeting was held with Mr Knuckey and Ms Denton of CDS during which there was an indication of "possible assistance" available to a suitable community scheme to accelerate their adoption of Superfast Broadband via fibre to the home. We have recently been advised that a further meeting is planned for March 18<sup>th</sup>. Please could Mr Stride ensure that during discussion (which I'm sure will range over bigger things than our campaigns initially planned scope) that clarification of this possible assistance is actually covered, and not forgotten?

Prompt clarification would help us to decide how best to assist this seemingly neglected section of the population to help itself. We would be happy to attend to provide direct input at any stage.

Mr Mel Stride MP replied saying that he would be attending the meeting scheduled for 18<sup>th</sup> March and that he was in support of community groups. He considered that in rural areas where the costs were high the community could reduce costs by helping with infrastructure. He was aware of the problem with broadband speeds in the area, but the cost of installing was exceeding the budget and this was where local communities could have a real impact. He had not been widely enthusiastic regarding Phase One and had let this be known. Phase Two was more interesting with more suppliers and different solutions such as Airband which was being implemented on Dartmoor. The work of the community group was really important and he would be doing what he could to support them and help work towards solutions.

#### 141 MEL STRIDE MP

The Chairman welcomed Mr Stride to the meeting.

Cllr Mrs J Roach asked the following question regarding the relaxation of planning controls and raise concerns regarding the following:

**With regard to permitted development, the legislation for conversion of agricultural buildings to housing is weakly written, particularly with regard to interpretation of the word "structure" and this has led to marked variation in decisions. Also because it is permitted development, it only has to meet certain criteria and permission is automatically given. Neighbours and other interested parties have no right to object. An additional danger is that a modern barn is converted and sold. The farm is sold and the new owner has inadequate storage. He/she then applies for a new barn under a formal planning application, is given permission and so the cycle continues. This only benefits the land owner, has a minimal impact on housing needs and destroys the countryside.**

Regarding barn conversions Mr Stride clarified that there was no carte blanche blanket ability for anyone that owned a barn to do what they wished with it, there could still be restrictions that the local authority considered it appropriate to apply for example, the guidance stated that development is permitted subject to before the conversion taking place the applicant must apply for planning, with regard to transport, contamination, flood risk and other areas, a whole group of tools and caveats that the local authority may apply when they didn't feel in respect to those matters that the proposal was appropriate. He offered to approach DCLG if there were any angles that Mrs Roach wanted him to look into the matter further.

**Local people should have a strong say in the decision. The future of local services (shops, schools and GP surgeries) is important in the decision.**

Mr Stride responded that the Local Plan and Neighbourhood Plans were the tools by which the authority could ensure that areas, such as the infrastructure, were in place. Decision making should be taken at the lowest level possible. He suggested that the local community should become involved early in the process when consultation was taking place. He informed Cllr Mrs Roach that if there were specific cases to be looked into he would be happy to do so.

**Guidance on back garden development was unclear resulting in decisions which do not appear to be consistent.**

With regard to back garden development the MP said that he would look into this for Cllr Roach. He understood that there had been a significant number of back garden developments prior to 2008 but that this had been stopped.

**Cllr Mrs Roach stated that she was aware that the Charity Commission had severe difficulties responding to queries. Whilst I thank you for your successful intervention in our case, I am concerned that the delays are causing significant problems to people who are trying to help their communities. The Charity Commission stated in a letter to me that their inability to respond to queries was due to 'cuts' -would you please raise this problem at Government level? Mrs Roach explained the difficulties that she had encountered with delays in finding information.**

Mr Stride explained that with regard to 'Room 4 U' there had been some missing information which added to the delay. He had sympathy with Cllr Roach for the time delay and had a meeting with the Minister for Charities and his response was that he believed the situation was going to improve due to investments in the systems used. He considered that empowerment of local people must be encouraged and that he saw his role as MP to feed this sort of information back to Ministers.

Cllr Roach gave further examples of the difficulties in getting through to the Charity Commission on the telephone and the language that was used when they required information was difficult to follow. Mr Stride asked for the telephone number that had caused this problem so that he could report this back to the Minister.

**Cllr Mrs Roach stated that the 2012 Executive arrangements give the Cabinet the power to meet in secret if the meeting is disrupted by disorderly conduct. She stated that her view was that this conflicted with the openness and transparency agenda. If someone behaves in a disorderly way there was already an ability to suspend the meeting and evict that person or people involved. It should not be an excuse to then hold the rest of the meeting in a closed session. In her opinion that was clearly wrong as there may well be well behaved people who would like to listen to the debate.**

Mr Stride stated that the guidance in 2012 stated that the default position was that Cabinet meetings should be held in open and public but gave provision that in the case of disorder to either remove the individual or close the meeting down, perhaps in the case of persistent disruption. But there was no requirement for a Cabinet to do this. He quoted legislation that clarified this.

The Leader of the Council pointed out that no meeting has been closed to the public in the five years that he had been in the Cabinet.

The Chairman pointed out that the Head of Communities and Governance had spoken to the DCLG and found that the Constitution was correct regarding this matter.

As a point of interest Mr Stride pointed out that the House of Commons itself could sit in private if it wanted.

**Cllr Mrs Roach informed Mr Stride that people on low wages are having severe difficulties in getting on the housing ladder. Despite many schemes there are few opportunities for people in rural villages to access affordable housing. Enabling housing associations to sell off their homes will have a serious knock on effect in relation to exception sites. How many landowners will sell land at a reduced price for social housing only to discover at a later date that it has been sold and will eventually become a house that is subject to the market?**

Mr Stride did not think that this was a decisive argument because he considered that with right to buy the government's position was that for each property sold another would be built and that this should be driving house building rather than restricting. He thought that home ownership was a great thing and would like people to have the opportunity to own their own home. He stated that the local plan included a provision for affordable homes. Mr Stride agreed that the proportion of young people able to afford their own home had declined over recent years and that this was something the government was working hard to reverse. The strategy was to drive the number up through schemes like right to buy, ISA's; ways of helping young people to get onto the ladder. Community Land Trusts could be used to ensure that local people can afford local homes.

Mr Stride offered to provide contacts so that authorities could share good practice regarding the use of Community Land Trusts.

**Cllr T W Snow raised a matter regarding infrastructure.** Mr Stride stated that his priorities were based around the resilience of the South West such as the rail line and the A303, the arteries into the peninsular.

**Cllr F J Rosamond asked Mr Stride his view regarding the loss of A levels in Tiverton. He said that we see the failure of a competitive market coupled with declining resources and asked what could be done to correct this serious omission of educational opportunity in Tiverton?**

Mr Stride explained that Tiverton was not within his Constitution but suggested that Mr Neil Parish MP could be approached regarding this. He added that there were opportunities for Free Schools in the area.

**Cllr Rosamond further stated that there was a real fear that the introduction of the Transatlantic Trade and Investment Partnership would damage the National Health Service. Leading barrister Michael Bowsher QC, an authority on EU law states that TTIP poses a "real and serious risk" to the NHS. If the deal went ahead as currently drafted, it could force irreversible privatisation of our national health service. He asked if Mr Stride was aware of this legal advice and its implications.**

Mr Stride replied that he thought trade agreements and free trade were one of the elements that helped society to grow and develop and create jobs and create successful business and an economy that can then in turn provide the public services that we quite rightly as a civilised society expect to be able to provide. We cannot do one without the other so trade agreements are important. We do not want trade agreements that are onerous and could lead to full scale privatisation. Mr Stride did not believe that these agreements would lead to wholesale privatisation. He quoted

from a letter from the European Commissioner for trade which stated what was required of these agreements and he considered this information showed that these agreements safe. He also pointed out that privatisation of the NHS did not mean that the user would have to pay, the NHS was free at the point of use and based on need rather than ability to pay. However, providing these services had to be as efficient as possible. The private sector provided around 6% of health services in the UK. Mr Stride offered to share the letter from the European Commissioner with the Committee.

**Cllr Rosamond asked if we could please have the same amount of transparency with private organisations such as Virgin or G4S that provided a service to the public funded by taxpayer's money as public organisations themselves, such as local government bodies that rightly are fully exposed to transparency requirements.**

Mr Stride explained that the FOI process was so onerous that it would not be practical to expect private companies to comply at the same level. However, during the procurement process it was within the remit of public sector organisations to insist on certain levels of transparency in the contracts that they put in place.

**Cllr N A Way had asked now that the in-patient beds had been removed from Crediton Hospital, a major problem and a key factor in trying to develop a Community Health Hub on the site was the issue concerning the possibility of adapting and improving the site? Until there was clarity on this general and important matter from the health authority and government planning a way forward for our local health professionals and community representatives was difficult.**

This matter had already been discussed at agenda item 5 but Mr Stride added that he had recently visited Crediton Hospital and had been impressed by the level of activity taking place. He felt heartened by what was going on there and considered that there would be a clearer picture when the transfer to the RDE was complete.

**Cllr Way had also asked how did you and the other Devon Members of Parliament vote in the recent Local Government Finance Settlement debate?**

Mr Stride replied that he thought the settlement for Devon was a good one in the circumstances and had supported it, as did all other Devon MP's with the exception of Ben Bradshaw in Exeter.

Cllr Mrs J B Binks and Cllr Mrs M Squires presented Mr Stride with a petition regarding broadband, which they asked him to pass to Ed Vaizey, Minister of State for Culture and the Digital Economy.

The Chairman thanked Mr Stride for attending the meeting

(The meeting ended at 6.03 pm)

**CHAIRMAN**



## MID DEVON DISTRICT COUNCIL

**MINUTES** of a **MEETING** of the **SCRUTINY COMMITTEE** held on 21 March 2016 at 2.00 pm

### **Present**

#### **Councillors**

F J Rosamond (Chairman)  
Mrs H Bainbridge, Mrs C P Daw, R M Deed,  
Mrs G Doe, R Evans, Mrs S Griggs,  
T G Hughes, J L Smith, T W Snow and  
N A Way

### **Apologies**

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

Mrs A R Berry and Mrs J Roach

### **Also Present**

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

Mrs B M Hull and R F Radford

### **Also Present**

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

Stephen Walford (Chief Executive), Nick Sanderson (Head of Housing and Property Services), Stuart Noyce (Waste and Transport Manager), Catherine Yandle (Internal Audit Team Leader) and Julia Stuckey (Member Services Officer)

## 142 **APOLOGIES AND SUBSTITUTE MEMBERS**

Apologies were received from Cllr Mrs R Berry and from Cllr Mrs J Roach who was substituted by Cllr J L Smith.

## 143 **PUBLIC QUESTION TIME**

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

## 144 **MEMBER FORUM**

There were no issues raised under this item.

## 145 **MINUTES OF THE PREVIOUS MEETING**

Subject to the changing of the word 'constitution' to 'constituency' on page 9 paragraph 6 the minutes of the last meeting were approved as a correct record and **SIGNED** by the Chairman.

## 146 **DECISIONS OF THE CABINET**

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

## 147 CHAIRMAN'S ANNOUNCEMENTS

The Chairman informed the Group that as Cllr Mrs J B Binks had left the Committee there was a vacancy on the Partnership Working Group. It was **AGREED** that Cllr R Evans would join the Group.

The Chairman also informed the Committee of the contents of a letter that he had received from Mel Stride MP, in which he thanked the Committee for making him welcome at the previous meeting and offered to attend again, provide information requested or raise any issues if required.

## 148 Q & A WITH THE CHIEF EXECUTIVE

The Chairman welcomed the Chief Executive (CE) to the meeting.

The Chief Executive explained that he had been in post for five weeks and in that time he had been establishing 'the lie of the land' from both a technical perspective and from how functions were discharged, looked at competency and performance and had discussions with Heads of Service. From an organisational point of view he had looked to see if the right things were being done and was forming judgements regarding where the organisation was. He explained that in due course he would reflect on this to make recommendations for different directions of travel.

The CE informed the Committee that since he had started in post he had been lobbied by officers, Members and local organisations and that he was taking this information on board. He had not yet finalised those judgements but was already working on a report for this Committee regarding planning enforcement and considered that the authority would benefit from improving communications. In the last few weeks he had met with people from the private and public sectors and what had become apparent during these discussions was that fact that whilst each organisation had its own organisational priorities everyone was clear that they loved the area and wanted to take it forward to preserve and enhance it. The message seemed to be that Mid Devon was a great place to live and work and that this should be built on and not sacrificed along the way.

Discussion took place regarding:

- Management Team and a recent redundancy:- the CE confirmed that on a temporary basis the IT service would sit under another Head of Service but that he was looking at the overall structure of Management Team for the future;
- Implications of the budget: - The CE explained that revisions to the Local Government Settlement had meant that the authority was not as badly off as expected, but that savings would still need to be made. He reminded the Committee that local authorities had until October to decide whether or not to accept the four year financial settlement. He anticipated changes to the New Homes Bonus and Business Rates, both of which were under consultation at the current time. Indications were that local authorities would get to keep Business Rates, but he said that the 'devil would be in the detail' and it seemed unlikely that this authority would get to keep the whole amount.

Regarding the New Homes Bonus he anticipated that it would reduce, but he would update Members as soon as anything was known.

- Removal of Business Rates for small businesses: - the CE explained that if Business Rate income was devolved and then reduced there would be less to be distributed and that the government needed to ensure that there was an effective mechanism in place to share this. The Local Government Association (LGA) had been tasked to find a formula to suit all. Areas of concern for this authority were historical rate re-evaluations and back dated appeals, which had to be funded by MDDC. The CE stated that there had to be gains from local growth in order for it to be worth local authorities promoting it.
- Staffing:- The CE agreed that staffing levels in some services were at a level whereby officers were working as fast as they could to do the 'day job' but there was no room for establishing better ways of working or to put procedures in place to free up staff for other duties. Areas such as planning performance agreements could prove beneficial in the long run but staff needed the time to implement them. Capacity could also affect the work of other services, such as backlogs in legal work.
- Improving the local economy: - the CE explained that in the past councils had not taken the business community into consideration enough and that devolved business rates would make this an important area.

The Chairman thanked the Chief Executive for his time.

#### 149 **PERFORMANCE AND RISK (00:38:00)**

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

The Audit Team Leader outlined the contents of the report. Information regarding complaints could not be verified and required further investigation. It was **AGREED** that this information would be presented to the May meeting of this Committee.

Discussion took place regarding:

- IT systems being implemented and the perceived lack of follow up support for users;
- Levels of sickness and reporting methods;
- The number of empty homes in the district and the reasons why they could be empty;
- Improvements from last year to performance regarding food premises inspections but further improvements were still needed;
- The Leisure Service not meeting income performance targets;

- Work that was being undertaken with the Town Centre Manager to look at empty premises above shops and whether they could be brought into use for housing;
- The need for a named Head of Service to be identified as responsible for each risk.

Note: - Report previously circulated and attached to Minutes.

150 **POLICY FOR THE REMOVAL OF GYPSIES AND TRAVELLERS FROM LAND (01:06:37)**

At the request of the Committee, the Head of Housing and Property Services, presented a briefing paper \* regarding the removal of gypsies and travellers from land.

The officer explained that the purpose of the briefing paper was to inform Members of the processes and responsibilities for the eviction of Gypsies and Travellers from private land where permission from the owners had not been given.

He explained that the Council recognised and accepted the rights of travellers/gypsies and also those people on whose land unauthorised camping took place. Gypsies and travellers were protected from discrimination by the Equality Act 2010 and the Human Rights Act 1998, together with all ethnic groups who had a particular culture, language or values.

The officer went on to say that there was no policy or protocol in place regarding this matter and that the officer that used to handle Gypsy and Traveller liaison had not been replaced when he left the authority. The officer considered that some coordination could help to ease the situation, for example the waste service should collect domestic waste from the site which may help reduce the cost of cleaning the site afterwards.

Discussion took place regarding:

- The benefits of having an identified officer responsible for coordination;
- Devon County Council's involvement with those living on the sites, when children are involved, for educational purposes;
- The need for dialogue with the Police;
- The importance of communication with partners;
- Pitches being provided on the Tiverton and Cullompton urban extension sites.

It was **RECOMMENDED** that the Managing the Environment Policy Development Group consider a policy and procedures document on unauthorised encampments and facilities available within the District for Gypsies and travellers.

(Proposed by the Chairman)

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

#### 151 **WASTE UPDATE (01:24:00)**

At the request of the Committee the Waste and Transport Manager presented a report \* from the Head of Finance detailing the roll out of phase 2 of the new recycling scheme and its performance during the first months of operation.

The Officer outlined the contents of the report, which provided details of the roll out of containers for recycling and the delivery of food waste caddies. Performance data was included in the report which showed positive results. The officer also explained that targets had been met for the sale of garden waste permits and that the target for next year was likely to be met, now that the gardening season was starting.

Discussion took place regarding:

- Cardboard, which would be accepted if it was beside the bin;
- Waste from dustbins had to be contained in sacks;
- Total waste arisings had reduced due to the separate collection of garden waste;
- Garden waste and kitchen waste were being collected on the same vehicle at the current time but this would change when DCC implemented new contracts in 2017;
- Textiles put out for collection needed to be kept dry;
- Dog waste could be put in normal litter bins and the 'just bin it' campaign encouraged this;
- Plans to revise the scheme for the emptying of dog waste and litter bins would be revised in the autumn.

The Chairman thanked the officer for his report and congratulated the team on a successful implementation that delivered on time and within budget.

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

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

Cabinet Member for the Working Environment  
Council Website  
RIPA update  
Communications Working Group update  
Planning Enforcement update

(The meeting ended at 4.00 pm)

**CHAIRMAN**

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## MID DEVON DISTRICT COUNCIL

MINUTES of a MEETING of the AUDIT COMMITTEE held on 15 March 2016 at 5.30 pm

### Present

#### Councillors

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

### Also

#### Present

G Daly and Johnson and V Redler (Grant Thornton)

### Present

#### Officers

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

## 62. APOLOGIES

There were no apologies for absence.

## 63. PUBLIC QUESTION TIME

There were no members of the public present.

## 64. CHAIRMAN'S ANNOUNCEMENTS (00:00:52)

The Chairman stated that he had attended an 'Income Generation' seminar in London with the Head of Finance run by the Local Government Association. Many other local authorities had attended and had shared examples of income generating activities such as working with trading partners. Some of these initiatives, due to the increased size and capacity of some council's, could not be transferred to Mid Devon, however, there were some concepts such as the setting up of local authority trading companies which were worth exploring. It was **AGREED** that the Chairman would circulate his report regarding the seminar to the rest of the Committee.

## 65. MINUTES OF THE PREVIOUS MEETING (00:04:28)

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

## 66. IMPACT OF EARLIER ACCOUNTS FILING (00:05:05)

The Committee had before it, and **NOTED**, a report \* from the Head of Finance outlining the ramifications of the earlier preparation and audit of the annual statutory financial statements.

It was explained that the Government wanted to receive the financial outturn from councils before Parliament's summer recess. It had therefore been announced that the accounts from local authorities for the year ended 31 March 2018 and for

subsequent years will need to be approved by 31 May. The current deadline was 30 June therefore this was one month earlier. Even though the accounts would be prepared as accurately as possible this would mean that many more estimates would need to be made and actual figures would differ in some areas.

A brief discussion took place regarding accounts staff taking leave during this period. The Finance Manager had been working closely with Human Resources to ensure that finance staff were not unduly penalised as result of having to avoid taking flexi time and annual leave during this period.

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

**67. CODE OF CORPORATE GOVERNANCE (00:12:21)**

The Committee had before it a report \* from the Head of Communities and Governance presenting it with the updated Code of Corporate Governance. The contents of the report were outlined and reference made to the changes that had been made since the code was last approved.

**RESOLVED** that the updated Code of Corporate Governance be approved for a further year.

(Proposed by the Chairman)

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

**68. RISK AND OPPORTUNITY MANAGEMENT STRATEGY (00:14:53)**

The Committee had before it a report \* from the Head of Communities and Governance presenting it with the updated Risk and Opportunity Management Strategy. The officer outlined the contents of the report highlighting the changes made since the strategy was last approved. Particular reference was made to the roles and responsibilities of groups and individuals within the council which included both officers and Members. Reference was also made to the new Corporate Plan and the need for a strategic assessment. The risk management process was also explained stating that there was a need to look at the impact of a potential event occurring. It was further explained that every report which came to committee included a section on risk assessment. The Risk and Opportunity Management Strategy set out the general framework and approach towards risk.

**RESOLVED** that the updated Risk and Opportunity Management Strategy be approved for a further year.

(Proposed by the Chairman)

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

**69. PROGRESS UPDATE ON THE ANNUAL GOVERNANCE STATEMENT ACTION PLAN (00:24:15)**

The Committee had before it, and **NOTED**, a report \* from the Head of Communities and Governance providing it with an update on progress made against the 2014/15



Annual Governance Statement Action Plan. Reference was made to the fact that the Constitution had now been approved by full Council, therefore there were no outstanding actions.

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

#### 70. **INTERNAL AUDIT PROGRESS REPORT (00:26:32)**

The Committee had before it, and **NOTED**, a report \* from the Internal Audit Team Leader updating it on the work performed by Internal Audit for the 2015/16 financial year. It was explained that the timetable had been changed slightly due to the fact that the internal audit team had had to do some work towards the financial year end and as a result some of the smaller audits had been moved into the audit plan for the following year. However, all core audits would be completed by 31 March 2016.

Discussion regarding internal audit reports took place under for each audit included in the report:

##### ICT Core

The Chairman stated that he was concerned that out of the 20 publicised ICT policies on Sharepoint only 7 were up to date at the time of the audit including information security. In addition the recommendation regarding this had been brought forward from 2012/13. The Internal Audit Team Leader explained that ICT had a rolling programme, with different policies falling out of date at different times. They were however, constantly reviewing them.

ICT had accepted a poor external assessment of the website while it was under development and had further accepted that they were not going to achieve 4 star quality in 2015, however, there were other measures of website accessibility to aspire to and the website had very recently undergone some improvement ensuring improved navigation.

##### Trade Waste

It was explained that the table in section 3.2.8 of the report needed to be amended to show that there were currently no high risks in this area.

##### Freedom of Information

It was explained that there were certain data sets which Government guidelines stated needed to be published, for example, the Constitution needed to be updated on an annual basis.

##### Appraisals & Training

The Chairman queried why non-attendance at a training course could not be reported the next day thereby allowing the costs involved to be ascertained at an earlier stage. It was explained that training was not currently accounted for in this way and that analysing the costs was linked to budget setting hence why the target date for completion had been set at 30 June 2016 rather than sooner.

It was confirmed that non-attendance costs would be charged to the specific areas concerned rather than across the attendees.

The Chairman referred the Committee to the list of recommendations shown at Appendix 1 which clearly showed the number of high, medium and low recommendations outstanding. He had concerns regarding the number of overdue medium recommendations and the length of time they had been outstanding, some since 2012/13. It was **AGREED** that the Chairman write to the Chief Executive, voicing the concerns of the Committee and requesting that he ask Management Team to give their attention to this matter.

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

#### 71. **INTERNAL AUDIT REPORTS (STANDING ITEM)**

Discussion regarding internal audit reports had taken place under the previous item. There had been no need to move into Part II.

#### 72. **PERFORMANCE AND RISK REPORT FOR THE THIRD QUARTER OF 2015-16 (00:45:10)**

The Committee 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.

Discussion took place regarding:

- It was pleasing to note that the percentage of food premises inspected for high risk was currently showing at 75% for quarter 3. It was explained that a possible reason for this improvement was that the Food Standards Agency had conducted an audit and the council had heeded its recommendation to increase the staff resource in this area.
- Data in relation to emergency and urgent repairs was very pleasing.
- The issue of planning enforcement had recently been looked at by the Scrutiny Committee. There was general agreement that if the Planning Department were to meet all of its targets it needed to have the correct compliment of staff, at the moment it still faced a shortfall. The Chairman stated that a further cause for concern were the unknown and unplanned absences resulting in the figures shown for the average number of days sickness absence in the report. The comment was made that the council ought to be able to build a contingency into its budget for such circumstances could be predicted. It was stated that the council did but the recruitment of additional staff to cover absences would have a serious effect upon the budget. The Chairman stated that he would include a paragraph regarding absenteeism in his letter to the Chief Executive. It was explained that the Chief Executive was preparing a report to go to the Scrutiny Committee in April regarding this matter and it was felt that this Committee should allow that process to take place.
- Staff in Customer First were being trained in the area of 'Freedom of Information'.

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

**73. FOUR YEAR STRATEGIC AUDIT PLAN AND WORK PROGRAMME (01:10:00)**

The Committee had before it a report \* from the Internal Audit Team Leader presenting the Strategic Audit Plan for 2016/17 to 2019/20 and the detailed Audit Work Plan for 2016/17. It was explained that this had been presented to the Committee in its draft form for consideration at the meeting on 19 January; no changes had been proposed other than by the new Chief Executive to bring forward the audit on planning enforcement.

**RESOLVED** that the Strategic Audit Plan for 2016/17 to 2019/20 and detailed Audit Work Plan for 2016/17 be approved.

(Proposed by the Chairman)

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

**74. INTERNAL AUDIT CHARTER REPORT (01:12:12)**

The Committee had before it, and **NOTED**, a report \* from the Internal Audit Team Leader presenting it with the revised Internal Audit Charter Timetable. The report outlined the reasons for not revising the Charter at the present time. Due to changes to the international framework the Charter could not be reviewed until the March 2017 meeting.

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

**75. THE AUDIT PLAN - GRANT THORNTON (01:13:43)**

The Committee had before it, and **NOTED**, a report \* from Grant Thornton providing an overview of the planned scope and timing of the 2015/16 audit as required by the International Standard on Auditing (UK & Ireland).

The Engagement Lead for Grant Thornton outlined the contents of the report.

Discussion took place regarding:

- In certain circumstances there was a provision to allow the disclosure of an individuals exit package, however, there were strict disclosure arrangements in place.
- The potential for fraud was a serious fundamental area that the external auditors looked at.
- Due to a rewrite of the Code of Audit Practice there would be a change to the way they conducted their 'Value For Money' work'. There would be a change of emphasis in assessing financial resilience, they would be looking at how resources were deployed and how the council worked with its partners.
- They were aiming to sign off the accounts for 2015/2016 on 26 July 2016.

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

**76. GRANT THORNTON UPDATE (01:29:00)**

The Committee had before it, and **NOTED**, a report from Grant Thornton providing an update on delivering their responsibilities. The report also included a summary of emerging national issues and a number of challenge questions in respect of these emerging issues which the Committee may wish to consider.

The Chairman stated that he was disappointed nobody from Mid Devon District Council had attended the Grant Thornton seminar on 'Building a successful local authority trading company'. Grant Thornton explained that Mid Devon had been sent an invite but it was unclear who the invitation had been addressed to. They were looking to put on another event towards the end of the year and the council would be invited. The Chairman said he would also include reference to someone needing to attend this in his letter to the Chief Executive. It was **AGREED** that the Committee Clerk would forward the contact details of committee members to Grant Thornton so that they could be advised when the event was taking place and have an opportunity to attend should they wish to.

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

**77. CERTIFICATION LETTER FROM GRANT THORNTON (01:48:21)**

The Committee had before it, and **NOTED**, a letter from Grant Thornton detailing the fee for the Certification Work undertaken for the year ended 31 March 2015.

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

**78. CHAIRMAN'S ANNUAL REPORT 2015/16 (01:48:21)**

The Committee had before it a draft annual report \* by the Chairman on the work of the Committee during 2015/16. There being no suggested amendments to the report it was **AGREED** that it would be included with the Council Summons for the meeting on 27 April 2016.

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

**79. IDENTIFICATION OF ITEMS FOR THE NEXT MEETING (01:49:15)**

In addition to the items already listed in the work programme for the next meeting the following was requested to be on the agenda for 31 May 2016:

- An update regarding Internal Audit Recommendations and their 'Overdue' status

(The meeting ended at 7.24 pm)

**CHAIRMAN**

## **MID DEVON DISTRICT COUNCIL**

### **MINUTES of a MEETING of the MANAGING THE ENVIRONMENT POLICY DEVELOPMENT GROUP held on 8 March 2016 at 2.00 pm**

#### **Present**

##### **Councillors**

R F Radford (Chairman)  
D R Coren, R Evans, Mrs E J Slade,  
J D Squire, R Wright and Mrs A R Berry

#### **Apologies**

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

Mrs C P Daw and Mrs N Woollatt

#### **Also Present**

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

Mrs C Collis and N V Davey

#### **Also Present**

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

Andrew Jarrett (Head of Finance), Andrew Busby (Property Services Manager), Adrian Cook (Open Spaces Manager), Richard Keith Hill (Environmental Protection Officer), Catherine Yandle (Internal Audit Team Leader), Suzanne Kingdom (Auditor), Stuart Noyce (Waste and Transport Manager) and Julia Stuckey (Member Services Officer)

## **58 APOLOGIES AND SUBSTITUTE MEMBERS**

Apologies were received from Cllr Mrs C Daw and Cllr Mrs N Woollatt.

## **59 PUBLIC QUESTION TIME**

Mr M Lucas, referring to item 6 on the agenda, Waste and Recycling Update, asked if negotiations with Devon County Council (DCC), regarding the sharing of savings had progressed. Mr Lucas asked if DCC had come forward with any proposals to help fund the new scheme by sharing the savings made to landfill costs.

Mr Lucas also asked what publicity was planned to let the residents of Mid Devon know that this authority was leading the way within the County. He stated that the public needed to be aware of how much work and effort had been put into this over the years.

The Chairman indicated that these questions would be answered at the agenda item.

## **60 MINUTES OF THE LAST MEETING**

The Minutes of the last meeting were approved as a true record.

## **61 CHAIRMAN'S ANNOUNCEMENTS**

The Chairman had no announcements to make.

62 **MOTION 524 (COUNCILLOR MRS C COLLIS 17 FEBRUARY 2016)**

At Council on 24 February 2016 the following Motion was referred to the Managing the Environment Policy Development Group for its consideration.

Motion 524 (Councillor Mrs C Collis 17 February 2016)

*That the Council supports the removal and cessation of the use of all polystyrene cups and all food containers from all council offices and associated premises.*

*The use of such containers continues to place non-biodegradable waste into landfill sites that will take hundreds of years to degrade and continues to threaten wildlife when digested.*

*Any and all such containers if used as disposable drinks or food containers should be fully certified as biodegradable or easily recycled within normal recycling parameters.*

Councillor Mrs Collis explained that she proposed that this authority cease the use of polystyrene cups and packaging from its offices and associated premises in order to reduce landfill, to benefit welfare and future generations.

Discussion took place regarding:

- The need to allow operators to use up any stock of cups or containers they had;
- The benefits of reuse rather than recycling;
- The need to publicise the problems associated with the use of polystyrene and encourage other local businesses to take the same action;
- Other containers that could be made available and were recyclable.

It was **RECOMMENDED** to Council that this authority support the removal and cessation of the use of all polystyrene cups and all food containers from all council offices and associated premises.

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

63 **UPDATE ON NEW COLLECTION SCHEME FOR THE WASTE AND RECYCLING SERVICE (00:17:16)**

The Group had before it and **NOTED** a report \* from the Waste and Transport Manager.

The Officer outlined the contents of the report, which provided details of the roll out of containers for recycling and the delivery of food waste caddies. Performance data was included in the report which showed positive results.

He further explained that progress had been made regarding 'savings sharing' with Devon County Council (DCC) and that a working group had been set up to look at the mechanism of how the scheme would work. The officer considered it likely that

the savings generated by diverting waste from landfill would be shared for a 10 year period.

Press releases had been issued to the local press regarding the increase in recycling performance but had not yet been published. The information would be posted on the website, social media and in Mid Devon Talk.

Discussion took place regarding:

- Litter that was left after collections had taken place and the fact that staff were expected to pick up what they could;
- Recycling boxes could be stacked so should not require lids;
- Haulage costs for food waste and a new contract from 2017 when DCC would take on the cost of this;
- Clarification was given that cardboard would be collected if it was presented next to recycling containers;
- There was no limit to the number of recycling boxes that could be put out for collection.

The Group recorded their thanks to the officers involved with the roll out of the scheme, which had been implemented successfully.

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

#### 64 **FINANCIAL MONITORING (00:38:00)**

The Group had before it and **NOTED** a report \* from the Head of Finance providing information regarding income and expenditure so far for the 2015/16 financial year.

The Officer outlined the contents of the report and explained that there was an underspend of £740k due to the delay in ordering new recycling vehicles. This was so that information such as tonnages and routes could be collated to ensure that suitable vehicles were purchased. The car parking budget showed a £127k underspend due to vends being up on budget and Waste showed an overspend of £65k due to the reduction in the value of recylates.

The Officer confirmed that over 6300 households had joined the garden waste collection scheme and a flyer was being sent out with Council Tax bills as further promotion.

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

#### 65 **PERFORMANCE AND RISK (00:43:50)**

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

Discussion regarding this item had already taken place under agenda item 6.

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

#### 66 **CREDITON LORDS MEADOW LINK ROAD AND AIR QUALITY (00:45:02)**

The Group had before it and **NOTED** a report \* from the Public Health and Professional Services Manager regarding 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 contents of the report, explaining that there was now 12 months data available and that results were very positive. Traffic figures from Devon County Council (DCC) showed that usage of the road was around 5000 vehicles a day with 10% of that being HGV traffic.

Discussion took place regarding:

- The recent road closure in the town centre which had encouraged new habits for drivers who were now using alternative routes;
- School bus traffic;
- Air quality had improved throughout the district.

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

#### 67 **CLIMATE STRATEGY AND ACTION PLAN (00:00:55)**

The Group had before it a report \* from the Head of Housing and Property Services providing Members with the updated Climate Change Strategy and Action Plan for consideration.

The Property Services Manager explained that the Strategy and Action Plan was a compilation and summary of existing relevant documents and actions across the Council as well as a statement on central government policy and guidance.

The Officer highlighted the following areas which had been achieved since the adoption of the strategy:

- Increase in the recycling rate – the rate was increasing and had exceeded 50%
- Reducing Carbon Footprint of our offices and leisure centres – the arrangement the Council had with Anesco Energy Services (South) Ltd was realising energy savings in these buildings and that project was being built on when opportunity allowed during planned maintenance and replacement. The investment with solar PV on these buildings was also reaping rewards.



- Adopt a Low Emissions Strategy – this was rolled on from the previous Corporate Plan and remained an action although low emissions improvements were being driven by Local Plan policy and the ECO Stars initiative.
- Replacement of fleet with more eco-friendly vehicles - fleet replacement was ongoing as appropriate and current recycling vehicles met Euro 6.
- Prepare action plan for maintenance of open space – this remained an action to be completed.
- Reducing Fuel Poverty on Council Housing Stock – investment was ongoing and in addition to the extensive Solar PV installations included replacement boilers, controls and insulation, air-source heat pumps, solar thermal, trials of air to air heat pumps and consideration of other and emerging technology. Efforts were also being concentrated to provide a main gas supply to all Housing Stock as the preferred source of energy.
- Private Sector Housing was actively supporting that sector when able to do so. Actions included giving advice directly or via partners, enabling improvements via the former Green Deal and any replacement funding opportunity that became available.
- A Green Infrastructure Assessment had been completed and formed part of the local plan evidence (it is not a specific plan or policy as originally intended).
- The Eco Stars initiative in addition to the refuse vehicles and taxi operators had many local to national outside vehicle operators who used the roads in Mid Devon signed up to operating vehicles with lower emissions.
- Mid Devon actively participated with the Low Emissions Partnership network to deliver improved air quality.

Discussion took place regarding recycled materials such as aggregates and what influence the authority had to insist that developers used recycled material and installed energy saving devices such as solar panels and insulation.

It was **AGREED** that the Head of Planning and Regeneration be asked to provide information regarding this.

It was **RECOMMENDED** that the Cabinet approve the updated Climate Strategy and Action Plan.

(Proposed by Cllr D R Coren and seconded by Cllr R Evans)

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

## 68 **PLAY AREA RISK ASSESSMENT AND SAFETY INSPECTION REVIEW (01:12:00)**

The Group had before it a report \* from the Head of Housing and Property Services updating Members regarding the way in which the Council manages its play area risk assessments and safety inspections.

The Open Spaces Manager explained that there were now fewer play areas for the authority to monitor, reducing from 105 when the policy was last reviewed to the current figure of 85. This was due to the programme for closure and the passing of some play areas to other councils. There was also a reduction in the number of pieces of equipment within play areas due to the process of managed decline, but even when there was no equipment the area still needed inspecting for safety. It was anticipated that some of the parish councils that were taking on play areas would use this authority to undertake safety inspections on their behalf.

The officer explained that the authority had a legal requirement to keep children safe from harm and to carry out risk assessments. He also outlined the benefits of using electronic hand held equipment to log inspections, rather than paper records.

It was **RECOMMENDED** that:

1. Cabinet note that the current risk assessments and safety inspections are considered adequate to meet the Council's responsibilities and for individual pieces of play equipment to be identified on the Risk Assessment forms as stated in 4.1.
2. Cabinet note that digital transformation of the current inspection method would make the task more efficient, as detailed in 4.2. and that an evaluation of this process would be undertaken by officers.

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

Note: Report previously circulated and attached to Minutes.

## 69 CHAIRMANS ANNUAL REPORT

The Group had before it and **NOTED** a draft report \* by the Chairman on the work of the Group since May 2015, a final copy of this report would be submitted to Council on 27 April 2016.

Note: - Report previously circulated and attached to Minutes.

## 70 IDENTIFICATION OF ITEMS FOR THE NEXT MEETING

Update from Health and Safety visit  
Tree Policy  
High Hedges Policy  
Review of Grass Cutting

(The meeting ended at 3.35 pm)

**CHAIRMAN**



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## MID DEVON DISTRICT COUNCIL

### MINUTES of a SPECIAL MEETING of the DECENT AND AFFORDABLE HOMES POLICY DEVELOPMENT GROUP held on 25 February 2016 at 2.15 pm

#### Present

##### Councillors

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

#### Apologies

##### Councillor

L D Taylor

#### Also Present

##### Officers

Nick Sanderson (Head of Housing and Property Services),  
Simon Newcombe (Public Health and Professional  
Services Manager), Hedley Steele (Private Sector Housing  
Lead Officer) and Sarah Lees (Member Services Officer)

## 72 APOLOGIES AND SUBSTITUTE MEMBERS

Apologies were received from Councillor Luke Taylor.

## 73 PUBLIC QUESTION TIME

There were no members of the public present.

## 74 MINUTES

The Minutes of the meeting held on 26 January 2016 were confirmed as a true and accurate record and **SIGNED** by the Chairman.

## 75 CHAIRMAN'S ANNOUNCEMENTS

The Chairman had no announcements to make.

## 76 ACCESS TO INFORMATION ACT - EXCLUSION OF THE PRESS AND PUBLIC

The Group were informed that any discussion relating to the financial details contained within the report was likely to involve the disclosure of exempt information. Having considered the commercially sensitive nature of the report it was:

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

## 77 WESSEX HOME IMPROVEMENT LOANS

The Group had before it a report \* from the Public Health and Professional Services Manager seeking a recommendation on whether the Council should continue to participate in the Devon Wessex Home Improvement Loans consortium.

He outlined the contents of the report and provided clarification regarding the strengths and weaknesses in relation to withdrawing or continuing within the scheme.

Thorough consideration was given to all the relevant issues, in particular the financial implications involved in relation to both options.

**RECOMMENDED** to the Cabinet that the Council serves notice to withdraw from the Devon Wessex Home Improvement Loans scheme and does so no later than 31 March 2016.

(Proposed by Cllr Mrs E M Andrews and seconded by Cllr J D Squire)

Notes: (i) \* Report previously circulated; copy attached to the signed minutes;

(ii) Cllr R J Dolley declared personal interests in that he had received home improvement loans in the past and his brother was Chairman of another financial company.

(The meeting ended at 3.37 pm)

**CHAIRMAN**

## MID DEVON DISTRICT COUNCIL

### MINUTES of a MEETING of the **DECENT AND AFFORDABLE HOMES POLICY DEVELOPMENT GROUP** held on 22 March 2016 at 2.15 pm

#### Present

##### Councillors

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

#### Apology

##### Councillor

Mrs G Doe

#### Also Present

##### Councillors

C J Eginton and R L Stanley

#### Also Present

##### Officers

Nick Sanderson (Head of Housing and Property Services),  
Roderick Hewson (Principal Accountant), Catherine Yandle  
(Internal Audit Team Leader), Nicky Chandler (Auditor) and  
Sarah Lees (Member Services Officer)

## 78 APOLOGIES AND SUBSTITUTE MEMBERS

Apologies were received from Councillor Mrs G Doe.

## 79 PUBLIC QUESTION TIME

There were no members of the public present.

## 80 MINUTES

The Minutes of the special meeting held on 25 February 2016 were confirmed as a true and accurate record and signed by the Chairman.

## 81 CHAIRMAN'S ANNOUNCEMENTS

The Chairman had no announcements to make.

## 82 FINANCIAL UPDATE FOR THE NINE MONTHS ENDED 31 DECEMBER 2015 (00:01:43)

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 making reference to three major positive variances within the General Fund. This included:

- £38k better recovery on the Deposit and Recovery Scheme (DARS).
- £20k lower costs than budgeted due to using the councils own stock instead of B&B's and case numbers having been below average.
- £20k use of Discretionary Housing Payments from central government to fund DARS scheme.

Regarding the Housing Revenue Account the most significant savings were in relation to:

- Repairs and Maintenance as the painting contract would complete a portion of the work in 2016/17 and so £140k would not be spent in the current financial year.
- Where operatives were spending significantly more of their time on major upgrades instead of day to day repairs and so the costs could be charged elsewhere.
- There had also been salary savings where vacancies had not been filled.

A brief discussion took place regarding the enforcement costs in relation to Harlequin Valet and whether or not these could be recovered. It was explained that there was a charge on the property and subject to it being sold there was every possibility of having the costs returned.

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

### 83 **PERFORMANCE AND RISK FOR THE THIRD QUARTER OF 2015-2016 (00:08:31)**

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.

The Internal Audit Team Leader outlined the contents of the report stating, as an update to section 2.3 of the report, that there were now no outstanding gas safety certificates.

Discussion took place regarding:

- A staircase in St Andrew Street not meeting current building regulations due to conservation requirements however when the property was originally built it had.
- What constituted a 'non decent council home' – it was explained that, in the main, this related to additional loft insulation and it was confirmed that the upgrades would be carried out by the end of the financial year.
- The target in relation to affordable homes being linked to the Corporate Plan and the objective of achieving 300 affordable new homes over the next four years.

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



#### 84 HOUSING SERVICES ALLOCATIONS POLICY (00:15:12)

The Group had before it a report \* from the Head of Housing and Property Services presenting the draft Housing Services Allocations Policy. Social housing was a valuable resource and the Council needed to ensure that those homes in the District which became available for letting were allocated appropriately in order to make best use of the stock. The revised Allocations Policy set out the Council's approach to the use of preference labels on adverts for available properties.

The Head of Housing and Property Services outlined the contents of the report highlighting the changes within the policy that had taken place since the last review. This included offering some of the older person's accommodation to those over the age of 45 and also incorporating some of the recommendations made by the Band E Working Party designed to reduce the number of cases in Band E.

Discussion took place regarding:

- Looking at individual cases sympathetically in relation to family size and age limit criteria.
- The necessity to make the best use of the Council's housing stock.
- Factors relating to the allocation of properties.

**RECOMMENDED** to the Cabinet that the revised Allocations Policy be approved.

(Proposed by Cllr Mrs H Bainbridge and seconded by Cllr R Evans)

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

#### 85 WELFARE REFORM (00:32:30)

The Group had before it, and **NOTED**, a briefing paper from the Housing Services Manager outlining the effects of continuing welfare reform.

The Head of Housing and Property Services explained that the paper set out how the Council was planning to deal with the effects of welfare reform. One of these effects would be the reduction of rental income by between £4m and £5m over the next 5 years obviously having a significant impact upon the Housing Revenue Account. The Council would need to look at its long term planning in the housing area as well as a need to look at its asset management.

The paper also highlighted the good work of the Local Welfare Assistance and Money Advice Schemes which were being managed by the Council's Housing Benefits Service.

Discussion took place with regard to:

- The numbers of people on Universal Credit would increase in the coming years.
- Courses of action to reduce the impacts of the effects of the 1% reduction in rent.
- It was not clear at this early stage whether Devolution would allow the Council some leeway in terms of what it could and couldn't do in relation to housing.

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

**86 CHAIRMAN'S ANNUAL REPORT 2015/16 (00:43:30)**

The Committee had before it a draft annual report \* by the Chairman on the work of the Policy Development Group during 2015/16. There being no suggested amendments to the report it was **AGREED** that it would be included with the Council Summons for the meeting on 27 April 2016.

**87 IDENTIFICATION OF ITEMS FOR THE NEXT MEETING (00:44:09)**

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:

- Update on Band E
- Update on the situation regarding Wessex Home Improvement Loans

(The meeting ended at 3.03 pm)

**CHAIRMAN**

## MID DEVON DISTRICT COUNCIL

### MINUTES of a MEETING of the COMMUNITY WELL BEING POLICY DEVELOPMENT GROUP held on 29 March 2016 at 2.15 pm

#### Present

##### Councillors

Mrs B M Hull (Chairman)  
Mrs E M Andrews, Mrs H Bainbridge,  
Mrs A R Berry, Mrs J B Binks, R M Deed,  
F W Letch and Mrs E J Slade

#### Apologies

##### Councillor(s)

Miss C E L Slade

#### Also Present

##### Councillor(s)

C R Slade and Mrs M E Squires

#### Also Present

##### Officer(s):

John Bodley-Scott (Community Development and Regeneration Manager), Rob Fish (Principal Accountant), Catherine Yandle (Internal Audit Team Leader) and Julia Stuckey (Member Services Officer)

#### 65 APOLOGIES AND SUBSTITUTE MEMBERS

Apologies were received from Cllr Miss C E L Slade.

#### 66 PUBLIC QUESTION TIME

There were no members of the public present.

#### 67 MINUTES OF THE PREVIOUS MEETING

Subject to clarification of the recommendation at Minute 62 to read as below the Minutes were approved as a true record.

It was RECOMMENDED to Cabinet that the Leisure Pricing report be approved subject to the following:

- a) All basic fees, lets, rents and charges be increased by 5% from 1 April 2016;
- b) That discounts for 60+ Zest membership be set at:
  - 1) 30% for 2016/17
  - 2) 20% for 2017/18
  - 3) 10% for 2018/19
  - 4) And from 2019/20 be as per the appropriate Zest membership fee;
- c) That concessionary Junior Zest memberships be discounted by 10% from the appropriate junior monthly Zest membership fee;
- d) That within six months a full review of all fees, rents, lets and charges be undertaken with a view to further simplifying the tariff structure;

e) That within six months a full review of Leisure services income and expenditure resources be undertaken to ensure a positive financial result for the service in the financial year ending 31/3/2020.

## 68 CHAIRMAN'S ANNOUNCEMENTS

The Chairman thanked the Members of the Group for their attendance and interest during the last year.

## 69 RURAL ISOLATION

The Chairman introduced Mr Andy Gerrard to the Group. Mr Gerrard was a Rural Support Worker in the local area.

Mr Gerrard outlined the problem of rural isolation, which he explained could be caused by a number of reasons including geographical isolation, self-imposed isolation, language barriers and a lack of literacy/numeracy skills. He explained that rural isolation was first recognised 20 years ago and initially came about due to a reduction in the number of people working on farms. He informed the Group that farms that used to employ a number of people could now only support one.

Mr Gerrard explained that retired farmers could also suffer from rural isolation because they often had no personal vehicle and no access to public transport. Visitors such as the postman and sales representatives no longer called.

Farmers were at high risk of suffering from mental illness, fatal accident levels were high and so were the levels of suicide. Statistically one farmer per week committed suicide. He stated that mental state was often compounded by isolation. Issues in the farming community such as TB added to the pressure, as did financial stress.

Mr Gerrard explained that he covered the whole of Devon and that he tried to find out what help was available to those suffering. Organisations such as the Samaritans, WI and farming charities could help.

Discussion took place regarding:

- Young Farmers groups and how they could help, as well as work being undertaken to support a group for the next age bracket:
- Organisations that delivered food in the area;
- The need for coordination so that it was easy to find out what help was available from which groups.

Mr Gerrard offered to forward a list of his contacts so that Members could cascade this information to their parishes.

The Chairman thanked Mr Gerrard for his attendance.

## 70 SINGLE EQUALITIES SCHEME

The Group had before it a report \* from the Head of Communities and Governance regarding the Single Equality Scheme.

The Community Development Officer outlined the content of the report, explaining that Under the Equality Act 2010 local authorities had a duty to have 'due regard' to eliminate discrimination, harassment, victimisation and any other conduct that was prohibited by or under the Act; advance equality of opportunity between persons who shared a relevant protected characteristic and persons who did not share it; and foster good relations between persons who shared a relevant protected characteristic and persons who did not share it.

The way a local authority showed it had 'due regard' was by evidencing how equality was considered as part of its decision-making processes. The Single Equality Scheme indicated how this would be done. Local authorities also had specific duties under the Act to publish Equality Information annually and 'Equality Objectives' at least every four years.

Discussion took place regarding:

- Training for Members - the officer explained that it was important to ensure that training was set at an appropriate level for each officer or Member, dependant on their role, and not just a general session for all.
- Feedback – the officer explained that feedback was gained from the Customer First Complaints and Feedback system and that any comments made were looked at and analysed by the Corporate Equality Group.
- Gender equality and the importance of using appropriate language.
- Digitalisation and the fact that not all residents had access to the internet.

It was **RECOMMENDED** to Cabinet that the Single Equality Scheme, together with the Equality Objective for 2016-17, be approved.

(Proposed by the Chairman)

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

## 71 PERFORMANCE AND RISK

The Group had before it and **NOTED** a report \* from the Head of Communities and Governance providing an update on performance against the Corporate Plan and local service targets for 2016-17 as well as providing an update on the key business risks.

The Audit Team Leader outlined the contents of the report and clarification was sought regarding targets for empty shops in the town centres. The officer highlighted food hygiene performance which had been identified as performing poorly in the previous year but following the recruitment of an additional officer had improved.

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

## 72 FINANCIAL MONITORING

The Group had before it and **NOTED** a report \* from the Head of Finance providing information regarding income and expenditure so far for the 2015/16 financial year.

The Principal Accountant outlined the contents of the report which indicated an overspend of £372k.

Areas within the remit of the Group, which showed an overspend, were identified as recreation/sport and planning. Some of the overspend was from lower than budgeted income at Exe Valley Leisure Centre. There had been a drop in swim and general memberships but an officer had been appointed, as part of the restructure, to improve this. Salaries were over budget for all three leisure sites but this included some redundancy costs.

Planning also showed an overspend, which included £80k for enforcement action in Cullompton and some costs associated with a restructure in the service.

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

## 73 YOUNG CARERS

At its request the Group had before it information \* regarding Young Carers. Members considered the information to be clear and thanked the representative from Devon Carers for putting it together for them.

Note: - Information \* previously circulated and attached to Minutes.

## 74 CHAIRMAN'S ANNUAL REPORT

The Group had before it and **NOTED** a draft report \* by the Chairman on the work of the Group since May 2015, a final copy of this report would be submitted to Council on 27 April 2016.

Note: - Report previously circulated and attached to Minutes.

## 75 IDENTIFICATION OF ITEMS FOR THE NEXT MEETING

Tap Fund update  
Mental Health Masterclass  
Public Health/Leisure Services  
Targeted Families

(The meeting ended at 3.25 pm)

**CHAIRMAN**

## **MID DEVON DISTRICT COUNCIL**

**MINUTES** of a **MEETING** of the **PLANNING COMMITTEE** held on 9 March 2016 at 2.15 pm

### **Present Councillors**

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

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

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

### **Present Officers:**

Stephen Walford (Chief Executive), Jenny Clifford (Head of Planning and Regeneration), Simon Trafford (Area Planning Officer), Lucy Hodgson (Area Planning Officer), Daniel Rance (Principal Planning Officer), Amy Tregellas (Head of Communities and Governance and Monitoring Officer) and Sally Gabriel (Member Services Manager)

## **122 APOLOGIES AND SUBSTITUTE MEMBERS**

There were no apologies.

## **123 PUBLIC QUESTION TIME**

Mr Sanderson referring to Item 11 (Tollgate Farm) on the agenda raised concern about the explosion of AD plants in the area. Is the Committee aware that as well as the outstanding 3 poultry units at Tollgate and Gibbet Moor there is permission granted for poultry units at Menchine and Edgeworthy, which are all in close proximity and will have a cumulative effect as well as an increase in HGV movement together with traffic movement at Menchine, which will have an immediate impact on local residents.

Miss Coffin referring to Item 11 (Tollgate Farm) on the agenda asked whether Councillors were aware of the many disease and health hazards to both humans and other livestock associated with chicken manure (especially industrial factory farmed chickens). We ask if the Council has considered the full cumulative effect of this and all the recent chicken farm applications already granted or under review as well as

the already existing chicken farms within a geographical radius. Has full and thorough consideration been given to the potential consequential effect on the local and wider environment, tourism and other farmers livelihoods as well as direct and associated potential loss of existing employment. Surely it is a question of balance, where is the gain in creating a few jobs at the expense of many more?

We therefore ask that should you decide in favour of this application you condition that a proper waste management plan be determined and adhered to, this should include:

- A specified alternative AD site to take the waste in the event of any non-operational periods at Menchine farm and in view of any potential commercial changes to either business.
- We also ask for an undertaking from the applicant (whom we understand to be a global multinational company with their own environmental policy) that the waste from the industrial chicken houses will not be stored as compost on any unlicensed agricultural land that does not hold the required compost licence.
- Contingency plan in the event of any notifiable animal disease outbreak and the consequential movement restrictions which includes the waste?

Mr Steele representing Dr Bell and referring to item 14 on the agenda (TIVERTON Eastern Urban Extension - junction of new highway junction to A361) stated:I refer to item 14 on your agenda concerning Mrs Clifford's note to the Committee about resident's revision to the design and construction of the new left-in, left out junction with the A361.

We question Mrs Clifford's claim in the conclusion of her note that our revisions to the scheme are undeliverable. We also question a number of the statements in her note to you.

The aim of our presentation to be given by Mr Dennis Cook today is to challenge Mrs Clifford's conclusion and to ask you, once again, to support existing and future residents' right to have their health and well-being protected in the most practical and effective way for the next 100+ years over and above modest financial considerations.

The LILO is the more significant section of the whole cloverleaf junction that will adversely affect the lives of generations of the residents who will be exposed to the traffic-related pollutions arising from its use.

Devon County Council Highways Department and Mid Devon District Council Planning Department have sought to put a price of £3 million and a little time on the health and well-being of these generations of local residents. This has to be an unacceptable reason for denying residents a more acceptable and effective junction layout and construction for securing a healthier environment for generations to come rather than the one they currently face.

We know you have the will to support us, please help us to the way to see our scheme delivered.

We ask you please, through this meeting, to provide your support for continuing to secure our health over cash solution for now and the future.



The minutes of the meeting held on 10 February 2016 were approved as a correct record and signed by the Chairman.

125 **CHAIRMAN'S ANNOUNCEMENTS (00-11-00)**

The Chairman reminded Members that the next meeting of the Committee would take place on Wednesday 6 April.

126 **DEFERRALS FROM THE PLANS LIST (00-12-02)**

There were no deferrals from the Plans List.

127 **THE PLANS LIST (00-12-08)**

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

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

(a) Applications dealt with without debate.

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

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

(i) No 2 on the Plans *List (15/01993/TPO – Application to carry out works to 2 Oak trees protected by Tree Preservation Order 02/00005/TPO – footpath rear of 3 & 4 Aspen Way, Willand)* be approved as recommended by the Head of Planning and Regeneration

(Proposed by the Chairman)

(b) No 1 on the Plans *List (15//01871/FULL – Erection of a two storey extension – 1 Aspen Way, Tiverton.*

The Area Planning Officer outlined the contents of the report by way of presentation highlighting the proposed elevations of the proposed extension, the distance between the proposed extension and the neighbouring properties and her concerns regarding the design imbalance with other properties in the area and overbearing issues for the neighbouring properties. Members viewed photographs of the street scene which identified the design of roofs in the locality.

Consideration was given to:

- The number of hipped roofs in the area.
- The previous application which had been deemed too high and therefore the revised scheme had introduced a hipped roof.
- The impact on the neighbouring properties.

**RESOLVED** that:

- a) the application be approved on the following grounds: that of an acceptable impact on adjacent properties and in keeping with the character of the area; and
- b) delegated authority be given to the Head of Planning and Regeneration to provide a set of conditions for the decision notice.

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

Notes:

- (i) Cllrs Mrs H Bainbridge, K I Busch, Mrs C Collis, Mrs F J Colthorpe, J M Downes, S G Flaws, P J Heal, D J Knowles, F W Letch, J S Squire and R L Stanley made declarations in accordance with the Protocol of Good Practice for Councillors in dealing with Planning matters as they had all received additional information from the agent;
- (ii) Cllr D J Knowles declared a personal interest as he had had contact with the agent;
- (iii) Mr Bryant (Agent) spoke;
- (iv) Cllr D J Knowles spoke as Ward Member;
- (v) Cllrs Mrs H Bainbridge and Mrs F J Colthorpe requested that their vote against the decision be recorded.

**128 THE DELEGATED LIST (00-32-40)**

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

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

**129 MAJOR APPLICATIONS WITH NO DECISION (00-33-08)**

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

It was **AGREED** that application 16/00015/MFUL Multi-Storey Car Park, Phoenix Lane, Tiverton be determined by the Committee and that a site visit take place.

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

**130 APPEAL DECISIONS (00-34-27)**

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.

131 **APPLICATION 15/01622/FULL - ERECTION OF AN AGRICULTURAL WORKS DWELLING AND AN AGRICULTURAL LIVESTOCK BUILDING AT LAND AT NGR 316711 110152 (TEN OAKS FARM) CLAYHIDON (00-35-14)**

The Committee had before it an \* implications report of the Head of Planning and Regeneration following discussions at the previous meeting where Members were minded to refuse the application. Members were informed that an appeal for non-determination had been lodged with the Inspectorate and therefore they were requested to indicate the decision they would have made on the application if they had the ability to determine the application.

The Principal Planning officer outlined the contents of the report highlighting the proposals and explaining possible reasons for refusal and whether they could be substantiated.

Consideration was given to:

- The lack of information provided by the applicant.
- Local residents objections.
- Whether the size of the holding was sufficient to sustain the level of agricultural activity.
- Financial information in support of the application.

**RESOLVED** that had the Local Planning Authority had the power to determine the application, it would have approved planning permission.

(Proposed by the Chairman)

(Vote 7 for: 6 against)

Notes-:

- (i) Cllr R L Stanley declared a personal interest as he had had conversations with the objectors;
- (ii) A proposal to refuse the application was not supported;
- (iii) Cllrs Mrs C Collis, P J Heal, R F Radford and R L Stanley requested that their vote against the decision be recorded;
- (iv) \*Implications report previously circulated, copy attached to minutes.

132 **APPLICATION 15/01808/MFUL ERECTION OF 3 REPLACEMENT POULTRY BUILDINGS (8071SQ.M) FOLLOWING DEMOLITION OF EXISTING AND PROVISION OF ASSOCIATED INFRASTRUCTURE INCLUDING FEED BINS AND HARDSTANDING AT LAND AND BUILDINGS AT NGR 285916 112907, TOLLGATE FARM NOMANSLAND ((00-58-59)**

The Committee had before it a report \* of the Head of Planning and Regeneration regarding the above application. The Area Planning Officer outlined the contents of the report stating that the proposal sought to replace the existing 4 poultry units with 3 units which would bring the total of 7 buildings on site following a previous

permission. She explained the number of chicken proposed to be housed on the site and that the site would be managed in line with an Environment Agency environmental permit. Members viewed the existing and proposed plans, the site location plan along with proposed elevations and photographs from various aspects of the site.

She addressed the question posed in public question time regarding the existing and proposed poultry units in the area, the applications had either been before committee or would do so in the near future. With regard to the spreading of waste, there was no control via the environmental permit but there was other legislation that would deal with the issue, each application had to be dealt with on its merits and that a waste management plan could be conditioned.

Consideration was given to:

- The impact of the proposal on the amenity of local residents specifically at clean out time
- The viability of the proposal
- Specific legislation which covered the spreading of waste
- The impact of the proposal on the local road network and the Highway Authority's opinion
- Proposed additional conditions regarding waste management and additional landscaping
- The number of poultry units in the area and the amount of waste to be disposed of
- The need for local residents to be protected
- The cumulative effect of all the poultry units on the local road network
- The hours of operation
- The capacity of vehicles entering and exiting the site.

**RESOLVED** that planning permission be granted subject to conditions as recommended by the Head of Planning and Regeneration with the following additional conditions as follows:

1. Prior to the commencement of development a waste management plan to include details of measures to manage the disposal of waste produced on the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be operated in accordance with the agreed waste management plan and records shall be kept of where waste is disposed of together with the quantity of waste so disposed and shall be made available to the Local Planning Authority upon request.

Reason: To safeguard the amenities of the neighbouring occupiers in accordance with Policy DM2 LP3 Development Management Policies.

2. The ventilation systems on the buildings hereby approved shall continue to operate throughout the clean out period. In addition, measures to ensure that the doors on the north east ends of the proposed buildings shall be kept closed whilst the buildings are in use and throughout the clean out period shall be submitted to and approved in writing by the Local Planning Authority. Such approved measures shall be implemented before first use of the new buildings granted and so retained.

Reason: To safeguard the amenities of the neighbouring occupiers in accordance with Policy DM2 LP3 Development Management Policies.

3. Prior to the commencement of development, a planting and planting management plan for the north east boundary of the site shall be submitted to and approved in writing by the Local Planning Authority. Such plan shall include details of any additional planting together with management measures for planting along the north east boundary of the site. Any additional planting specified in the approved plan shall be carried out in the first planting season following the commencement of the development and be retained. Any trees or plants which within a period of five years from the first use of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. Planting and management of planting shall be carried out in accordance with the approved plan.

Reason: To safeguard the amenities of the neighbouring occupiers in accordance with Policy DM2 LP3 Development Management Policies.

4. Other than the catching and removal of birds, no works shall take place on the site between the hours of 22:00 and 07:00.

Reason: To safeguard the amenities of the neighbouring occupiers in accordance with Policy DM2 LP3 Development Management Policies.

5. Vehicles used to remove waste from the site shall be restricted to a maximum capacity of 16 tonnes. Records of the vehicles used to remove waste from the site to include number; date, tonnage (capacity) and destination shall be kept and made available to the Local Planning Authority upon request.

Reason: To safeguard the amenities of the local area in accordance with Policy DM2 LP3 Development Management Policies.

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

Notes:

- i) Cllr R F Radford declared a Disclosable Pecuniary Interest in the application as he grew chicken for the applicant and therefore left the meeting during the discussion thereon;
- ii) Cllrs Mrs F J Colthorpe declared a personal interest as the farm manager was known to her, she also knew a number of objectors to the application;
- iii) Cllrs B A Moore and R L Stanley declared personal interests as the objectors were known to them;
- iv) Mr Whilding (Agent) spoke;
- v) Mrs Harmer spoke on behalf of the objectors;

- vi) Cllr Mrs Smyth spoke on behalf of Cruwys Morchard Parish Council;
- (vii) The following late information was reported: Part 1.0 Proposed development, page 85 - Report states that when the existing buildings ceased being used in December 2015 that litter waste was being transported to the Anaerobic Digester at Menchine Farm by tractor and trailer. The litter waste was actually being spread on nearby farm land.  
The Environmental Report submitted with the application states that litter waste from the replacement buildings will be transported to an Anaerobic Digester. Having discussed this further with the Agent, the litter waste will either be spread on nearby farm land as was the situation when the buildings were last in use, or transported to an AD via 26 tonne, 6 wheeled rigid lorries.  
The proposed replacement buildings are still considered to result in a 'neutral' change regarding vehicle movements.
- (viii) Remove the word 'swales' from condition 4.
- (ix) \*Report previously circulated, copy attached to minutes.

**133 APPLICATION 15/01996/MFUL - ERECTION OF PARLOUR, CUBICLE AND COVERED FEED BUILDING (1876 SQ.M) AT LAND AT NGR 269824 104236 (SW OF LOWER NEWTON FARM) ZEAL MONACHORUM (2-02-58)**

The Committee had before it a report \* of the Head of Planning and Regeneration regarding the above application. The Area Planning Officer outlined the contents of the report highlighting by way of presentation the site location plan, the proposed accommodation for animals and waste, the dung spreading plan, proposed floor space and elevations, google photographs identifying the location of the neighbouring properties adjacent to some of the original buildings and photographs from various aspects of the site. He also highlighted the proposed highway improvements identifying the dedicated access for construction on the site. He stated that he felt that the proposal was in line with Policy DM22 of the Local Plan Part 3 (Development Management Policies).

Consideration was given to:

- Whether the cows would be housed all year round
- The use of some of the existing buildings
- The reinstatement of a dairy holding on Newton Farm
- Concerns of the objectors with regard to the increased size of the business on the holding, access issues and the impact of the proposal on the local road network
- Farming in the countryside
- The proposed traffic management plan.

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

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

Notes:

- i) Cllr Mrs F J Colthorpe declared a personal interest as some of the objectors were known to her;
- ii) Cllr P J Heal declared a personal interest as his son managed a dairy farm in the local area;
- iii) Mr Lawson (applicant) spoke;
- iv) Mr Boughton spoke on behalf of the objectors;
- v) Cllr J M Downes requested that his abstention from voting be recorded;
- (vi) The following late information was reported: 7<sup>th</sup> March 2016 - Revised Design and Access Statement (received 29<sup>th</sup> February 2016) Only change from that previously submitted: reference made to use of Profile 6 fibre cement sheets in anthracite grey. This change is as previously requested by the Local Planning Authority (see below)

8<sup>th</sup> March - The following email has been received from the applicant's agents on 8/03, following notification by the Case officer that the agent had incorrectly completed certificate A and not certificate B when submitting the application. Certificate A is applicable to applicants who own the land that constitutes the application – in this case the applicant has an option to purchase at this point in time. Certificate B is applicable to applicants who don't have an interest in the application site, and Certificate B establishes for the benefit of the local planning authority that the applicant has notified the owner that the application scheme has been submitted for consideration.

“ I can confirm that the Land Owner has been aware of the Lawson's intentions to submit the two applications when they first met back in February 2015 and he was furnished with a set of the original plans, showing the current size and location of the buildings, prior to the current applications (15/01994/FULL & 15/01996/MFUL) being submitted on the 17-12-2015.

I hope that this clears up the question raised yesterday and doesn't effect the recommendation for approval due to a technical oversight that has been missed by everyone until the 11th hour 12 weeks after submission.

There has never been any intention to submit the applications without the knowledge of the land owner and we would like to stress this point should it be raised by the objectors during the committee meeting”.

9<sup>th</sup> March 2016 – Information received from the applicant.

17<sup>th</sup> February 2015

The applicants first met the landowners at Lower Newton Farm, having been told that the farm was to be sold. We discussed with David the field beside the existing buildings and the possibility of erecting a large building there, the size of the building and the position was pointed out to him.

6<sup>th</sup> March 2015

The applicants and (farm consultant to H.Lawson and Partners) visited the farm again. After walking around the farm, further lengthy discussion was had with

the landowners. An offer was made to buy the farm, subject to planning consent being granted. The landowner brought up about the water main that goes through the field in question and pointed out the position of the water main to us. Further lengthy discussion about the size and reposition (to avoid the water main) of the proposed new building was had.

21<sup>st</sup> May 2015

The Local Planning Authority case officer attended the site for a pre-app visit. The applicants and the landowner were in attendance. The size and position of the building was marked out.

Late September 2015

After meeting with 6 neighbours on 19/6/2015 and realising their opposition to the 1<sup>st</sup> planning application, it was withdrawn.

16<sup>th</sup> October 2015

The applicants met with his construction consultant to discuss the suitability of the 2 sites suggested in Savills report. Discussed with the landowner the suitability of these sites for the building and he suggested looking at a third site. On measuring the landowners suggested site, it was ruled out owing to the visual impact on the residents at Leigh Cross.

3<sup>rd</sup> November 2015

The applicants and the Local Planning Authority Case Officer c met on the proposed site of the second planning application, for a pre app visit. Following that the landowners were visited by the applicants and informed that they would put in an application on the second site and gave them a copy of the proposed layout in the field. Further discussions were held regarding our purchase of lower Newton farm. They were informed that this would happen as soon as the planning application was successful.

12<sup>th</sup> November 2015

E mail received from the landowner saying he would like a deposit for the farm by the beginning of February 2016.

17<sup>th</sup> November 2015

The applicant spoke to the landowner to ascertain that he would definitely sell them the farm if a 2nd planning application were successful. This was to make sure it was worth while putting this in. The landowner confirmed that he would sell us his farm.

Subsequently the 2nd planning application was submitted.

Most of the agreement between the landowner and the applicant has been done verbally and on trust.

With regards to Condition 7 of the recommendation the reason for Condition 7 should be:

Reason: To minimise the impact of the development on the general amenities of the area in accordance with policy DM2 of Local Plan Part 3.



(vii) \*Report previously circulated, copy attached to minutes;

134 **APPLICATION 15/01994/FULL - ERECTION OF A COVERED SLURRY STORE (760 SQ.M) AT LAND AT NGR 269824 104236) LOWER NEWTON FARM, ZEAL MONACHORUM (2-02-58)**

The Committee had before it a report \* of the Head of Planning and Regeneration regarding the above application. The Area Planning Officer outlined the contents of the report highlighting by way of presentation the site location plan, the proposed accommodation for animals and waste, the dung spreading plan, proposed floor space and elevations, google photographs identifying the location of the neighbouring properties adjacent to some of the original buildings and photographs from various aspects of the site. He also highlighted the proposed highway improvements identifying the dedicated access for construction on the site. He stated that he felt that the proposal was in line with Policy DM22 of the Local Plan Part 3 (Development Management Policies).

Consideration was given to:

- Whether the cows would be housed all year round
- The use of some of the existing buildings
- The reinstatement of a dairy holding on Newton Farm
- Concerns of the objectors with regard to the increased size of the business on the holding, access issues and the impact of the proposal on the local road network
- Farming in the countryside
- The proposed traffic management plan.

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

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

Notes:

- i) Cllr Mrs F J Colthorpe declared a personal interest as some of the objectors were known to her;
- ii) Cllr P J Heal declared a personal interest as his son managed a dairy farm in the local area;
- iii) Mr Lawson (applicant) spoke;
- iv) Mr Boughton spoke on behalf of the objectors;
- v) Cllr J M Downes requested that his abstention from voting be recorded;
- (vi) The following late information was reported: 7<sup>th</sup> March 2016

1. Email from agent (dated 1<sup>st</sup> March 2016)

Confirming that 50-60 no. dairy replacement heifers will be housed in the existing buildings along with 15 no. beef cattle. These numbers are in addition to

the dairy herd. (132 no.) and are considered capable of being reared on the acreage that makes up Lower Newton Farm. The information is considered not to affect the officer assessment or recommendation.

2. Revised Design and Access Statement (received 29<sup>th</sup> February 2016)

Only change from that previously submitted: confirmation of use of Profile 6 fibre cement sheets in anthracite grey (instead of previous 'natural grey'). This change has been previously requested by the Local Planning Authority and will help ensure that the visual impact of the scheme is made more acceptable within the landscape.

3. Revised Farm Waste Management Plan for new dairy building (received 29<sup>th</sup> February 2016)

Only change from that previously submitted provides additional clarification (section 4) that all organic manure will be spread using equipment that has a low spreading (i.e. below 4m from the ground dry matter dung only side or rear discharge spreader). The scheme will be subject to other (e.g. DEFRA/Environment Agency) statutory requirements and the additional information indicates that the applicant will follow 'best practice' advice and guidance.

4. The applicant has submitted on 29<sup>th</sup> February 2016 indicative drawings to show proposed access arrangements to the site from the south. Other indicative drawings show the intention to allow bordering field hedges to be allowed to grow up to 3.5m in height and also to thicken over time to provide additional screening. These matters are subject to respective conditions but seem to indicate that the development can be reasonably accessed and landscaped to lessen impacts.

5. A further plan has been submitted on 7<sup>th</sup> March 2016 to show the land available for spreading slurry and dung. This indicates sufficient land available to meet with farm waste management issues.

8<sup>th</sup> March 2016 - The following email has been received from the applicant's agents on 8/03, following notification by the Case officer that the agent had incorrectly completed certificate A and not certificate B when submitting the application. Certificate A is applicable to applicants who own the land that constitutes the application – in this case the applicant has an option to purchase at this point in time. Certificate B is applicable to applicants who don't have an interest in the application site, and Certificate B establishes for the benefit of the local planning authority that the applicant has notified the owner that the application scheme has been submitted for consideration.

" I can confirm that the Land Owner has been aware of the Lawson's intentions to submit the two applications when they first met back in February 2015 and he was furnished with a set of the original plans, showing the current size and location of the buildings, prior to the current applications (15/01994/FULL & 15/01996/MFUL) being submitted on the 17-12-2015.

I hope that this clears up the question raised yesterday and doesn't effect the recommendation for approval due to a technical oversight that has been missed by everyone until the 11th hour 12 weeks after submission.

There has never been any intention to submit the applications without the knowledge of the land owner and we would like to stress this point should it be raised by the objectors during the committee meeting”.

9th March 2016 – Information received from applicant.

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6th March 2015

The applicants and (farm consultant to H.Lawson and Partners) visited the farm again. After walking around the farm, further lengthy discussion was had with the landowners. An offer was made to buy the farm, subject to planning consent being granted. The landowner brought up about the water main that goes through the field in question and pointed out the position of the water main to us. Further lengthy discussion about the size and reposition (to avoid the water main) of the proposed new building was had.

21st May 2015

The Local Planning Authority case officer attended the site for a pre-app visit. The applicant and the landowner were in attendance. The size and position of the building was marked out.

Late September 2015

After meeting with 6 neighbours on 19/6/2015 and realising their opposition to the 1st planning application, it was withdrawn.

16th October 2015

The applicants met with his construction consultant to discuss the suitability of the 2 sites suggested in Savills report. Discussed with the landowner the suitability of these sites for the building and he suggested looking at a third site. On measuring the landowners suggested site, it was ruled out owing to the visual impact on the residents at Leigh Cross.

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The applicants and the Local Planning Authority Case Officer c met on the proposed site of the second planning application, for a pre app visit. Following that the landowners were visited by the applicants and informed that they would put in an application on the second site and gave them a copy of the proposed layout in the field. Further discussions were held regarding our purchase of lower Newton farm. They were informed that this would happen as soon as the planning application was successful.

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17th November 2015

The applicant spoke to the landowner to ascertain that he would definitely sell them the farm if a 2nd planning application were successful. This was to make

sure it was worth while putting this in. The landowner confirmed that he would sell us his farm.

Subsequently the 2nd planning application was submitted.

Most of the agreement between the applicant and the landowner has been done verbally and on trust.

(vii) \*Report previously circulated, copy attached to minutes;

**135 TIVERTON EASTERN URBAN EXTENSION: CONSTRUCTION OF NEW HIGHWAY JUNCTION TO A361. (2-53-31)**

The Committee had before it and **NOTED** a report \* of the Head of Planning and Regeneration reporting back on investigations over whether revisions to the approved highway junction design for the new A361 junction as requested by local residents could be delivered and the implications of the revised scheme. She outlined the contents of the report highlighting the background information with regard to the strategic highway improvement required to serve the Tiverton Eastern Urban Extension. She presented the approved plans, specifically the Left in Left out junction on the southern side of the A361. She identified the concerns of local residents and the design proposal that they had put forward to the Highway Authority, the correspondence that had taken place and the fact that the landowner in question would not make the land available which was required if the residents proposals were to be deliverable. She explained the potential funding implications for any amendments to the scheme

Consideration was given to:

- The impact of the junction on local residents
- The concerns of the residents
- The views of the local Ward Members
- The unavailability of land required for the residents proposals
- The LEP funding and proposed match funding

Notes:

- i) Cllrs Mrs H Bainbridge, S G Flaws, D J Knowles and R L Stanley declared personal interests as a number of the objectors were known to them;
- ii) Mr Cook spoke on behalf of the local residents;
- iii) The Chairman read a letter from Cllrs N V Davey and C R Slade (Ward Members);
- iv) Cllr D J Knowles spoke as a Ward Member;
- v) Cllr D J Knowles requested that his objection to the report be noted;
- vi) \*Report previously circulated, copy attached to minutes;

### 136 **REVIEW OF PLANNING COMMITTEE PROCEDURES (3-33-39)**

The Committee had before it a report \* of the Head of Planning and Regeneration reviewing Planning Committee procedures in light of issues that had arisen and following visits to other Local Planning Authorities undertaken in 2012/13. She outlined the contents of the report and the process of the review. Any amendments to the procedures within the Constitution would have to be recommended to the Standards Committee.

**RESOLVED** that the item be deferred to a special meeting of the Committee so that thorough consideration of the report could take place.

(Proposed by Cllr Mrs H Bainbridge and seconded by Cllr K I Busch)

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

#### **Update Sheet**

(The meeting ended at 6.10 pm)

**CHAIRMAN**

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## MID DEVON DISTRICT COUNCIL

**MINUTES** of a **MEETING** of the **PLANNING COMMITTEE** held on 6 April 2016 at 2.15 pm

### **Present Councillors**

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

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

Mrs J B Binks and R J Chesterton

### **Present Officers:**

Jenny Clifford (Head of Planning and Regeneration),  
Tina Maryan (Area Planning Officer), Simon Trafford  
(Area Planning Officer), Lucy Hodgson (Area  
Planning Officer), Simon Johnson (Legal Services  
Manager), Daniel Rance (Principal Planning Officer),  
Catherine Marlow (Conservation Officer), Reg  
Willing (Enforcement Officer) and Sally Gabriel  
(Member Services Manager)

## 137 **APOLOGIES AND SUBSTITUTE MEMBERS**

There were no apologies.

## 138 **PUBLIC QUESTION TIME**

Mr Tony White, referring to item 11 on the agenda, asked how confident are the committee that what has been built already and what remains to be built will actually follow any permission granted? An example of this are the two driers, the synopsis of changes states that there will be two dryers of 43m in length, drawings show two drawings end to end which should total 86m, they are next to the silage clamps which are 60m long but the drawing shows the clamps as longer. Which is correct and who is checking on this sort of thing? Given GFL's contempt for the planning process on this site what steps will the planning officer take to ensure that the end result is within the parameters allowed? Also as a large part of the site has been built without planning permission do the Councillors agree with the officers previous assertion that this in no way sets a precedent. Another authority has recently been quoted as saying that a similar situation "a pattern of behaviour has characterised the permissions at this site, essentially the planning process has been treated with contempt and a loss of faith in the public in the planning process makes future planning decisions on biogas plants much harder to achieve".

Mr Peter Robins, referring to item 11 on the agenda, said that given the history of what has gone on local residents have no confidence that Greener for Life will stay within any permission granted. Referring to the report it appears that the original plan for the AD unit can no longer be implemented. Can they explain why this is? If

Greener for Life have created the problem by not providing a coherent report in the first place Members of the Council should not feel responsible for the predicament that the company now finds itself in. Hopefully the Committee Members will vote with their consciences and not how any political party dictates. If it does get approval how long will it take for the trees to grow to give sufficient screen from the site from public view and who is going to monitor this site to ensure that everything is carried out correctly?

Mrs A Vinton, referring to item 11, said that the transport statement provided by the applicant relies heavily on the fact that 251 of the acres to be used for food stocks and digester spreading are accessible land without the use of the public highway. However 119 of these acres, that's over a 3<sup>rd</sup>, are not part of Hartnoll Farm and lie to the west of Manley Lane and are within the area marked out as part of the Eastern Urban Extension. That is the 26 acres in the amended statement in the additional statement added to the acres in the original document. Can your officers tell us what Greener for Life intend to do if and when this acreage is no longer available and have they supplied your officers with figures for the increased amount of traffic that would be generated on the public highway if alternative sources had to be found? Furthermore can your officers assure us that stringent checks will be made on the recorded number of vehicle movements and when the figure of 1872 vehicle movements per year has been logged the digester will be shut down and no further traffic movements take place.

Mr Goff Welchman had supplied a written question, referring to item 11 on the agenda, which the Chairman read. Does this committee believe that it is right, to allow an approval, then when caught building a larger construction in the wrong location, put in a revised plan, and receive approval? If this application is not rejected and appropriate enforcement action taken then this committee will send a clear message to all developers that they can get away with similar deceptions in future in our area.

Mr K Grantham, referring to item 5 on the plans list, said that the application had been called in by a Ward Member as it was considered that the application, if approved, would constitute over development of the site. The Parish Council and some objectors take the view that apart from over development of the site the visual mass and design of the extension and the additional garage will fail to meet standards of high quality design and look unsightly as described in the Willand Parish Council representation. This view is also shared by another Ward Member. Should not those views be listened to and given due weight when compared with the alternative view of an officer?

Mr B Warren of Willand Parish Council referring to item 5 on the plans list said that in their representation, which is contained in the officer's report, the Parish Council suggested the inclusion of 2 conditions which are set out towards the bottom of page 5 of the plans list. These were suggested if Members were minded to grant approval as by closing off one door of the main house on the ground floor the garage conversion/extension could easily become a separate dwelling. Those conditions have been part of two separate approvals granted by officers in relation to similar applications elsewhere within the parish in the last year.

The suggested inclusion was made by the Parish Council as a way of ensuring there was not a future separate of accommodation and in the interests of the planning process being seen to be consistent. No mention has been made by the officer as to why this representation has been discounted.



If Members approve the application could they please instruct the inclusion of those suggested conditions?

Mr Govett, referring to Gibbet Moor on the agenda asked if the Committee were aware that residents of Nomansland are very surprised that the Highway Authority are prepared to provide/recommend a passing place in Nomansland to accommodate the transport requirements for yet another seemingly small business, which it is not, as it is part of the Greener for Life company. The provision of the proposed passing place will only exacerbate the speed of vehicles on this unclassified lane. Members will already be aware of the problems of vehicles exceeding the legal speed limit in this hamlet which the police, owing to the lack of resources are unable to control.

Would it not be better that any monies available were allocated to the provision of traffic calming measures in our hamlet, through width restrictions, which works well in other villages, before a major road traffic accident occurs where there could be loss of life, and Members were implicit to.

Mrs L Sheppard, referring to the item on the Gibbet Moor application asked are we safe to assume that the committee will bear in mind the recent appeal relating to the increase in the size of the anaerobic digester plant at Menchine, when the inspector stated that the appeal was dismissed because of the effect on increased traffic movements on the local community. Therefore to approve the Gibbett Moor application will by default increase traffic in direct contradiction of the Inspectors decision.

Mrs S Smythe, referring to the Gibbett Moor application asked are Members aware that prior to the Section 50 Order being granted to Greener for Life to drill with the underground mole and lay ducting to carry electricity cables from Menchine to Edgeworthy, down the C308, there had been no problems with it. The surface was acceptable and the ditches well defined and carrying water to its egress. The road is currently closed for a period of up to 18 months. This is as a result of it flooding for the first time in living memory and the ditches eroded resulting in at least 6 vehicles having to be towed from it. We are now told that pipe work carrying the water needs replacing as it is old. It is felt by everyone that the passing place is certainly unnecessary and it is the reconstruction of the pipe work and the reopening of this road which is essential.

Mr David Manley, speaking as the agent for Red Linhay, said that given the response and the implications report with the reasons for refusal proposed at the last planning committee and the fact there was a recommendation for approval for this application can officers please elaborate on the local authorities strength of defence at appeal and related to this could officers in their experience elaborate on the resources required to defend an appeal, not including any appeal costs that may be claimed by the applicant?

Mr Govier, speaking on behalf of the Tiverton Hospital League of Friends, regarding the Alexandra Lodge application asked are the Councillors aware that a considerable number of beds at the hospital are being blocked by medically fit older people with no suitable onwards housing?

Dr O'Kelly, speaking regarding the Alexandra Lodge application, asked if Councillors were aware that in the 16 years that he had been in the town at least 50 beds had been lost in the community. Charlton Lodge and other homes had closed, in that time

the population had aged considerably and it is expected that of the expected growth in population in the next 5 years 4000 will be over 60. If you are going to turn down the application at Alexandra Lodge what alternative accommodation have you got in place that you can deliver in the same timescales?

Mr Sam Tabiner, regarding Alexandra Lodge asked are Councillors aware that Alexandra Lodge is specifically stated in the Councils Older Person Strategy that they will vigorously pursue the scheme at this site and find a suitable registered provider and fund the facility. Under the current proposal the scheme will be delivered without any of this funding which can be used elsewhere.

Mrs E Fathi, regarding Alexandra Lodge, asked are Councillors aware that Alexandra Lodge has been used institutionally for at least 60 years, is in a very poor state of repair and requires substantial investment to refurbish it. If this application is not approved today Tivertons Almshouse Trust, as landowner, will need to consider its position. Given the high demand for this type of accommodation in this area could Councillors please explain which town centre site will meet the policy of this council if this site were not approved?

Mrs S Herniman, regarding Alexandra Lodge asked are Members aware that the proposals for Alexandra Lodge are supported by a number of local organisations including Clare House Surgery, Senior Voice, Tiverton Hospital League of Friends, Neil Parish MP and the NHS Trust.

Cllr Mrs J Binks, regarding Gibbett Moor asked if the committee were convinced beyond all reasonable doubt that the traffic calming measures for the C308 are robust enough to mitigate the impact of the additional traffic movement caused by the development to the local residents and will the proposed passing space address the road safety and amenity issues for residents and why the contribution by the applicants towards this has been dropped? Could you ensure that all breaches of conditions are met with the strictest of enforcement?

Mr T Payne, referring to item 11 on the agenda said that Greener for Life have submitted plans for AD plants which appear, as they have not been built within the planning permissions granted, to be built to deceive local councils from the outset. Councillors will no doubt remember that in January 2016 the planning inspector heard an appeal for an AD at Menchine Farm where an attempt was made to double the capacity of the AD plant. There seems to be a pattern emerging where small plants are applied for and then when permission is granted application is made for a larger plant. In the case of the site in Halberton a retrospective application was made only after work had started. I wish to ask how many site visits have been made by Councillors and if they have seen recent aerial photographs and given that the Inspector dismissed the appeal at Menchine Farm and ruled in Mid Devon's favour last month will this give Members encouragement to stand against this application and support the local residents who have written more than a hundred letters of objection, to protect the environment and in particular the canal.

Mr B Cordon, referring to agenda item 11, said that the original plans showed a gas line running from Red Linhay to Willand but that local farmers had refused permission for this and those plans had now changed. When the LPA was asked about the proposed pipe line they informed the Parish Council that they had no idea that such a pipe line had ever been planned. Therefore this application is a totally new application and explains why all the new buildings are needed, the flare is needed and the site has changed. Locals are aware of this. This site is called Red Linhay but

it is part of Hartnoll Farm. Does this mean that material cannot be kept on Hartnoll Farm if it is not part of the site? It is deception to call the site Red Linhay. Also people travelling on Crown Hill are complaining about the state of the road and it will not be able to cope with further traffic.

Mr A Pilgrim, referring to item 11 on the agenda, asked that Members consider thinking about the correctness morally on voting on an application that has a very poor foundation, would you be voting for the best thing for local people?

Mr C Lloyd, referring to the Gibbett Moor application, asked referring to page 17 on the application which said that there was no significant problem as far as the Environmental Health officer was concerned regarding chicken waste passing through Nomansland. He said that he could not see how they could have arrived at that decision, could the officer explain what chicken waste units had been transported to date.

The Chairman stated that answers to the questions would be provided when the items were debated.

### 139 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 9 March 2016 were approved as a correct record and signed by the Chairman.

### 140 CHAIRMAN'S ANNOUNCEMENTS (00-30-57)

The Chairman had the following announcements to make:

- A special meeting of the Committee would take place on 20 April 2016 to discuss the Planning Procedures report deferred from a previous meeting.
- The Planning Advisory Service training day that had been provisionally arranged for 14<sup>th</sup> April had been postponed and would be rescheduled.

### 141 ENFORCEMENT LIST (00-31-34)

Consideration was given to the cases in the Enforcement List \*.

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

Arising thereon:

- (i) No. 1 in the Enforcement List (***Enforcement Case ENF/15/00075/BRE – failure to comply with Condition 1 and Condition 4 on appeal decision in relation to Planning Application 10/00160/FULL – Willtown Mobile Home, Clayhidon***).

The Enforcement Officer outlined the contents of the report highlighting the history of the site and the fact that an application granted at appeal had added a personal condition naming the applicant. Following the death of the original applicant, enforcement was now proposed. The issue of a Breach of Condition Enforcement Notice was proposed which would allow the widow to appeal any decision.

Consideration was given to personal circumstances of the widow and her previous work on the land.

**RESOLVED** that the Legal Services Manager be authorised to take any appropriate legal action including the service of a Notice or Notices, seeking compliance with a residency condition imposed at appeal following the refusal to grant planning permission by the Local Planning Authority, in respect of planning reference 10/00160/FULL. In addition, in the event of a failure to comply with any Notice issued authority to prosecute, take direct action and/or authority to seek a court injunction.

(Proposed by Cllr P J Heal and seconded by Cllr B A Moore)

Note: Mr Brown (Agent) spoke.

(ii) No. 2 in the Enforcement List (***Enforcement Case ENF/16/00064/UCU – Unauthorised material change of use of land from agriculture to a mixed use of agriculture and use for the siting of a caravan for human habitation – Green Acres, Coldridge, Crediton***).

The Enforcement Officer outlined the contents of the report explaining the history of the site and that permitted development allowed a mobile home to be placed on site for the purpose of carrying out the development of the shed, this would have to be removed once the structure was complete. He outlined the works that had taken place to date and how slow the process was; he felt that the erection of the shed was now a secondary matter and therefore proposed enforcement action seeking the cessation of the land for human habitation.

Consideration was given to:

- Recent bad weather
- Whether the landowner owned another dwelling
- The period of compliance

**RESOLVED** that the Legal Services Manager be authorised to take any appropriate enforcement action including the service of a Notice or Notices seeking the cessation of the use of the land for human habitation, the removal of any caravans and any associated containers used in connection with the human habitation of the land and the restoration of the land to agricultural use. In addition, in the event of a failure to comply with any Notice issued authority to prosecute, take direct action and/or authority to seek a court injunction.

(Proposed by Cllr R L Stanley and seconded by Cllr B A Moore)

Note: Mr Claye (Landowner) spoke.

(iii) No. 3 in the Enforcement List (***Enforcement Case ENF/16/00075/UNLD – failure to properly maintain land at Corner House. Wall has collapsed and is now adversely affecting the amenity of the area - Corner Close, Morchard Bishop***).

The Enforcement Officer outlined the contents of the report highlighting the development at Corner Close and the fact that part of the wall had collapsed. Initial

enquires had suggested that the wall was the responsibility of the Management Committee requested as a requirement of one of the conditions on the original approval. Investigations had suggested that the Management Committee had never been successfully formed and therefore the responsibility fell back on to the developer.

Consideration was given to other possible enforcement issues on the site.

**RESOLVED** that:

- (a) The Legal Services Manager be authorised to take any appropriate legal action including the service of a Notice or Notices, seeking the repair of the boundary wall at Corner Close. In addition in the event of a failure to comply with any Notice served, authorisation for prosecution, direct action and/or authority to seek a court injunction.
- (b) The steps required be amended to read "Rebuild the breach in the wall, using stone which has remained on site, matching in height and width and all other aspects with the undamaged wall on either side of the breach.

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

Notes:

- (i) Cllr P J Heal declared a personal interest as the developer was known to him and he had a relation who lived on the site;
- (ii) Cllr J D Squire declared a personal interest as his daughter in law was a member of the Parish Council;
- (iii) Cllr Mrs J B Binks spoke as Ward Member.

#### 142 DEFERRALS FROM THE PLANS LIST

There were no deferrals from the Plans List.

#### 143 THE PLANS LIST (1-05-15)

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 (***15/01604/MFUL – Erection of 5 poultry units (5040 sq.m) and biomass boiler unit; formation of attenuation pond, access track, and hardstanding; landscaping; and associated infrastructure – Land at NGR 288027 116786 (Gibbett Moor Farm) Templeton.***)

The Area Planning Officer outlined the contents of the report by way of presentation highlighting the site location plan, the details of the development, the access route to the site and the proposed passing place, the site layout, attenuation ponds, proposed elevations and dimensions of the office buildings. He explained the proposed route

outlined in the Waste Management Strategy for the movement of the waste to Menchine Farm. Members viewed photographs from various aspects of the site.

Referring to the questions posed in public question time:

- With regard to the proposed passing place, the Highway officer had felt that it would help the management of the traffic along that section of the network
- Members were well aware of the appeal decision for Menchine Farm
- With regard to the provision of the passing bay, initially the Highway Authority were seeking a financial contribution, however the Highway Authority considered that a passing bay would suffice. We are now bound by the legislation and cannot take money unless there was a specific need and the passing bay had been proposed
- With regard to the Environmental Health comments, the Environmental Health Officer had been involved with discussions
- With regard to the condition of the roads in the area, there were outstanding issues with drainage problems, but these were pre-existing, therefore the LPA could not require the applicant to address the issues, however highway improvements were proposed within the application with the inclusion of a passing place

Consideration was given to:

- The minimum width of vehicles on the roads in question
- The cumulative effect of applications in the area feeding the AD plant at Menchine Farm and the incremental increase in traffic flows as a result of the chicken houses being erected in the area.
- The impact of the appeal decision at Menchine
- If the amount of birds were increased to 95,000 what would the impact be with regard to environmental health issues
- Concerns regarding the information being received from the applicant
- Concerns that the conditions put in place for the Tollgate application and why such conditions were not being requested for this application
- The impact of the application on the local road network and possible highway safety
- Visual impact on the landscape

**RESOLVED** that Members were minded to refuse the application and therefore wished to defer the decision to allow for a report to be received setting out the implications for the proposed reasons for refusal based on the following issues:

- Cumulative impact of the number of operations in the area particularly in respect of traffic generation.
- Insufficient, inconsistent and inaccurate information in order for the Local Planning Authority to adequately assess the impact of the application.
- Access and traffic – the unacceptable impact of traffic generation and on highway safety.
- Landscape and visual impact.

(Proposed by Cllr R L Stanley and seconded by Cllr B A Moore)

Notes:

- (i) Cllr R F Radford declared a Disclosable Pecuniary Interest as a chicken farmer and therefore left the meeting during the discussion thereon;
- (ii) Cllrs Mrs F J Colthorpe, R L Stanley, B A Moore and S G Flaws all declared personal interests as they either knew the applicant and/or local residents;
- (iii) Ms Lyus (Clarke Willmott – on behalf of the local residents) spoke in objection to the application;
- (iv) Cllr Miss Coffin spoke on behalf of Templeton Parish Council;
- (v) Cllrs B A Moore and R L Stanley spoke as Ward Members;
- (vi) The following late information was reported:

Four additional objections have been since the report was completed. The further representation raise concern about the proposed passing bay within Nomansland. In response to comment these concerns, the following points are considered relevant for members to consider.

Objectors have commented that the proposed passing bay within Nomansland would encourage HGV's to use the village as a cut through for HGV traffic. It is also commented that a passing bay in this location would negatively impact on neighbouring amenity and could create flooding issues. Copies of photographs have been circulated which show the C308 flooded and a lorry stuck within a side ditch.

It is not considered that the proposed layby is likely to cause any additional flooding issues, or encourage additional use of the lane by HGVs. It is clear from the representations and submitted photographs that the existing section highway is effectively a narrow part of the network and it is problematic for vehicles to pass safely without using the verge, and on a passing bay in this location is therefore considered to be a beneficial addition to the local road infrastructure. Due to the reasonably low speed of the road, the nature of a passing bay (vehicles will only pull into it temporarily), and the existing location of the road in relation to nearby neighbouring dwellings, it is not considered that the proposed passing bay would have a negative impact the amenity of neighbouring properties. Discussions with the Highways Authority confirm this passing bay is a necessary improvement to the highway, and approval of the proposed scheme with the recommended offsite highways works is advised.

Comments have also made regarding the recent appeal decision to refuse planning permission to increase the capacity of the Menchine AD. It is considered by local residents that the existing Menchine AD plant will not have the capacity to utilise the waste as feedstock for the AD plant if 90,000 chickens are grown each cycle. As members are aware the Menchine AD plant was granted planning permission on the basis that the feedstock would be for 6,545 tonnes of arable crop and 3,000 tonnes of poultry litter. The supporting information suggests that each of the new units at Menchine, Edgeworthy and

Gibbet Moor will supply on average 820 tonnes of poultry litter, which in conjunction with the litter generated on the existing Menchine unit would be close to this proposed annual figure, however would not exceed the 3000 tonnes. Taking into account this information the existing AD plant at Menchine is deemed to be adequate for the disposal of chicken waste from this proposed unit, and the other applications recently submitted by the applicant and approved..

No additional issues have been raised that have not already been considered by the LPA and covered within the officer report.

Templeton Parish Council submitted an additional comment on the 04/04/2016. This is set below:

We write to confirm our original objections to this above application and to agree with other objectors comments, in that we have no confidence in the authenticity of the additional information supplied by the Applicant's Consultants.

Highways/Traffic -

No accumulative consideration given to other existing farms whose agricultural traffic is also serviced by the same rural sub-standard roads in both Mid Devon District and North Devon District areas.

No accumulative consideration given to traffic servicing other existing businesses in Mid Devon and North Devon for which the same sub-standard infrastructure often defines parish and district boundaries.

No account taken of the accumulative residential and service traffic that utilises the affected local infrastructure as the most direct access to Nomansland, Thelbridge, Puddington, Cruwys Morchard, Pennymoor and Witheridge from the 4361 and vice versa.

Environmental Protection against pollution of air, water and soil-

No effective planning control to prevent the number of chickens kept within the described units being increased from 60,000 to 95,000 per cycle. The applicant has neither assessed nor recognised any consequential increases in manure/waste/traffic/nuisance within the documents provided with this Application.

No comprehensive Waste & Manure Plan provided by applicant. Does the applicant have enough access to suitable safe storage/land to facilitate the waste/manure produced by this development? (This is particularly relevant and important as the applicant does not appear to have clear title to the site and associated lands which are in administration). According to this application the disposal of all manures/slurries to be spread as fertilizers, appear to be totally reliant on the availability of rented seasonal/short term agricultural business lets. The disposal of any waste is to go to Menchine Anaerobic Digester (which applicant does not own or operate).

Templeton as a Parish Council respectfully request the LPA to pay particular attention to the problems related to Manure/Slurry/Waste disposal as we and



some of our neighbouring parishes, have been and still are experiencing numerous and considerable problems with inappropriate storage and over spreading of superfluous Manures and Wastes crossing Parish/District and County borders.

Failure to have unambiguous clarity on the responsible and safe disposal of all Industrial/Factory farmed waste/manures creates an unacceptable Bio-security risk for the general well-being of our entire Environment, to include all other livestock farmers.

We therefore repeat our request that the Planning Committee refuse this application.

In response to this consultation, the following comments are considered relevant.

- The highway impacts of the proposed scheme of development are considered with the officer report. An adequate assessment of the vehicle movements associated with this application is considered to have been made, including in relation to cumulative impacts. There will be 54 annual vehicle movements from Gibbett Moor Farm to Menchine AD annually to deliver chicken waste. This is not considered to create any significantly negative impacts on the residents of Nomansland.
- As noted above, the LPA are required to consider the application on its merits. Waste will be disposed of at Menchine Farm AD. The application will be controlled by an environmental permit, therefore if waste disposal arrangements change adequate procedures are in place to prevent any significant environmental impacts.

The LPA maintain a recommendation of approval.

Conditions 3, 4, 5, 6, 12 and 13 have been amended as follows:

### **CONDITIONS**

3. No development shall be commenced until details of the surface water drainage system based on the surface water being piped to a swale and then discharged as shown on the approved development area plan, have been submitted to, and approved in writing by, the Local Planning Authority. Thereafter the approved drainage scheme shall be fully implemented in accordance with the approved scheme before any part of the development is occupied, and be so retained.

Condition 3 has been amended to include the clause “in accordance with the approved scheme”

4. Prior to the commencement of the development the site accesses and visibility splays shall be constructed, laid out and maintained for that purpose in accordance with drawings which shall have been submitted to

and agreed in writing by the Local Planning Authority. The development shall be completed and retained in accordance with the approved details.

Condition 4 has been amended to provide a pre-commencement timescale.

5. Prior to the commencement of the development the site access road shall be hardened, surfaced, drained and maintained thereafter, for a distance of not less than 6.00 metres back from its junction with the public highway

Condition 5 has been amended to include the clause “prior to commencement of the development”

6. In accordance with details that shall previously have been submitted to, and approved by, the Local Planning Authority, provision shall be made within the site for the disposal of surface water so that none drains on to any County Highway. The approved surface water drainage scheme shall be provided on site prior to the commencement of the development.

Condition 6 has been amended to include the clause “The approved surface water drainage scheme shall be provided on site prior to the commencement of the development.”

12. Prior to their installation, details of the underground water storage tanks shall be submitted to and approved in writing by the Local Planning Authority. The tanks shall be installed in accordance with the approved details and shall be so retained.

Condition 12 has been updated to include “The tanks shall be installed in accordance with the approved details and shall be so retained.”

13. No development shall begin until there has been submitted to and approved in writing by the Local Planning Authority, a landscaping scheme which includes details of all existing hedgerows, hedgerow removal, new planting, seeding, turfing or earth reprofiling. The details approved in the landscaping scheme shall be carried out within 9 months of the substantial completion of the development, and any trees or plants which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species. Once provided, the landscaping scheme shall be so retained.

The term “(or phase thereof)” has been deleted from condition 13.

(b) No 2 on the Plans List (***15/01822/MFUL – Erection of 45 Extracare apartments and provision of associated communal facilities, car parking and landscaping, renovation of Alexandra Lodge following demolition of former stable block and extensions – Alexandra Lodge, 5 Old Road, Tiverton***).

The Area Planning Officer outlined the contents of the report by way of presentation highlighting the site location plan, the layout of the scheme, the listed buildings, gardens and trees, the distances between the proposed development and nearby residences in The Avenue, the proposed elevations identified from different aspects

of the site, the works proposed to the listed building and photographs from various aspects of the site.

She addressed the questions posed in public question time:

- The Local Planning Authority were aware of the lack of care available for the elderly
- There was no alternative provision in Mid Devon
- The 2011 strategy did require review
- There were no allocated sites within the Mid Devon Local Plan
- Representations from various people had been received and reported
- Because of the setting of the listed building the application was considered to be unacceptable

Consideration was given to:

- The impact of the development on the listed building
- The need for elderly social and health care
- The detail of the scheme
- The lack of other sites in the area
- The size of the development and the impact on the neighbouring properties, specifically the residents of The Avenue
- The distance between the proposed development and the houses backing onto the site
- Access over the driveway to the Glades
- The need to do something with the building
- The proposed landscaping

**RESOLVED** that planning permission be granted for the following reason: that the public benefits outweighed the impact on the setting of the listed building and that delegated authority be given to the Head of Planning and Regeneration to draft an appropriate set of conditions.

(Proposed by Cllr B A Moore and seconded by Cllr R L Stanley)

Notes:

- (i) Cllr D J Knowles declared a Disclosable Pecuniary Interest with regard to the application as he was a resident of the Almshouse Trust and paid rent to the Trust, he therefore left the meeting during the discussion thereon;
- (ii) Cllr Mrs F J Colthorpe declared a personal interest as she knew both supporters and objectors to the application;
- (iii) Cllr R L Stanley declared a personal interest as he knew both supporters and objectors to the application and that his wife was a director of the Almshouse Trust;
- (iv) Cllr J M Downes declared a personal interest as his wife used to work at Alexandra Lodge;

- (v) Cllrs Mrs H Bainbridge, K I Busch, Mrs C A Collis, Mrs F J Colthorpe, J M Downes, S G Flaws, P J Heal, F W Letch, B A Moore, R F Radford, J D Squire and R L Stanley made declarations in accordance with the Protocol of Good practice for Councillor dealing in planning matters as they had received correspondence regarding this application;
  - (vi) Mr Kearley spoke in support of the application;
  - (vii) Mr Morgan spoke on behalf of the objectors;
  - (viii) The Chairman read a letter from Cllr Mrs C P Daw (Ward Member);
  - (ix) Cllr Mrs F J Colthorpe requested that her abstention from voting be recorded.
- (c) No 3 on the Plans List ***(15/01824/LBC – Listed Building Consent for the erection of 45 Extracare apartments and provision of associated communal facilities, car parking and landscaping, renovation of Alexandra Lodge following demolition of former stable block and extensions – Alexandra Lodge, 5 Old Road, Tiverton).***

The Area Planning Officer outlined the contents of the report by way of presentation highlighting the site location plan, the layout of the scheme: the listed buildings, gardens and trees, the distances between the proposed the development and nearby residences in The Avenue, the proposed elevations identified from different aspects of the site, the works proposed to the listed building and photographs from various aspects of the site.

She addressed the questions posed in public question time:

- The Local Planning Authority were aware of the lack of care available for the elderly
- There was no alternative provision in Mid Devon
- The 2011 strategy did require review
- There were no allocated sites within the Mid Devon Local Plan
- Representations from various people had been received and reported
- Because of the setting of the listed building the application was considered to be unacceptable

Consideration was given to:

- The impact of the development on the listed building
- The need for elderly social and health care
- The detail of the scheme
- The lack of other sites in the area
- The size of the development and the impact on the neighbouring properties, specifically the residents of The Avenue
- The distance between the proposed development and the houses backing onto the site
- Access over the driveway to the Glades
- The need to do something with the building
- The proposed landscaping

**RESOLVED** that listed building consent be granted for the following reason: that the public benefits outweighed the impact on the setting of the listed building and that delegated authority be given to the Head of Planning and Regeneration to draft an appropriate set of conditions.

(Proposed by Cllr J M Downes and seconded by Cllr P J Heal)

Notes:

- (i) Cllr D J Knowles declared a Disclosable Pecuniary Interest with regard to the application as he was a resident of the Almshouse Trust and paid rent to the Trust, he therefore left the meeting during the discussion thereon;
- (ii) Cllr Mrs F J Colthorpe declared a personal interest as she knew both supporters and objectors to the application;
- (iii) Cllr R L Stanley declared a personal interest as he knew both supporters and objectors to the application and that his wife was a director of the Almshouse Trust;
- (iv) Cllr J M Downes declared a personal interest as his wife used to work at Alexandra Lodge;
- (v) Cllrs Mrs H Bainbridge, K I Busch, Mrs C A Collis, Mrs F J Colthorpe, J M Downes, S G Flaws, P J Heal, F W Letch, B A Moore, 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;
- (vi) Mr Tabiner spoke in support of the application;
- (vii) Mr Morgan spoke on behalf of the objectors;
- (viii) The Chairman read a letter from Cllr Mrs C P Daw (Ward Member);
- (ix) Cllr Mrs F J Colthorpe requested that her abstention from voting be recorded.

(d) No 4 on the Plans List (**15/02004/FULL – Conversion of redundant building to dwelling – Holes Cottage, Bary Close, Cheriton Fitzpaine**).

The Area Planning Officer outlined the contents of the report by way of presentation identifying the block plan of the proposal along with parking arrangements, floor plans and existing and proposed elevations. He explained an issue that had arisen with regard to the kitchen window and Members viewed photographs from various aspects of the site which considered overlooking issues.

Consideration was given to:

- The parking and privacy issues
- The ground floor window would be obscured

- Possible soundproofing of the kitchen window
- A request to block the window up.

**RESOLVED** that planning permission be granted subject to conditions as recommended by the Head of Planning and Regeneration with an amendment to Condition 3 to state that the kitchen window be soundproofed as well as being of obscured glazing and non-opening.

(Proposed by Cllr F W Letch and seconded by Cllr J M Downes)

Notes:

- (i) Cllr Mrs F J Colthorpe declared a personal interest as the Ward Member who had called the application to Committee;
- (ii) Mr Garside spoke as agent to the application;
- (iii) Mrs Walls spoke in objection to the application;
- (iv) The following late information was provided: The EH consultation response as set out in the report suggests that the windows in the bedroom do not provide adequate lighting and the staircase is unprotected which therefore does not provide a satisfactory means of escape in the event of a fire. The applicant's agent revised the plans to address these issues in relation to the planning application proposals.

It should be noted that the comments set out raise some matters (internal arrangements) that would be addressed through the building regulations process should planning permission be granted.

(e) No 5 on the Plans List ***(16/00030/FULL – Conversion of garage to reception room, erection of first floor extension above the erection of detached garage – 6 Blenheim Court, Willand).***

The Area Planning Officer outlined the contents of the report by way of presentation highlighting the block plan and existing and proposed floor plans, photographs were shown from various aspects of the site which also identified other extensions in the immediate area.

She answered the questions posed in public question time:

- Planning permission had been previously granted for a detached garage
- Privacy would be addressed through fixed and non-openable, obscure glazed windows
- Regarding an additional condition requiring the connecting door to be retained, it was felt that because of the close connected relationship between the extension and the main house it was unlikely to be used individually, however Members may feel the need to add the condition.

Consideration was given to the design of the extension, parking issues in the area and the overall massing of the proposal.

**RESOLVED** that planning permission be granted subject to conditions as recommended by the Head of Planning and Regeneration, with two additional conditions stating:

" 5. The garage conversion and first floor extension hereby approved shall be occupied only for purposes ancillary to the occupation of the dwelling currently known as 6 Blenheim Court, Willand, EX15 2TE, and shall not be used, let, sold, or otherwise disposed of separately from the main dwelling.

**Reason:** To ensure that the garage conversion and first floor extension remains ancillary to the existing dwelling and is not sold or occupied separately from the main dwelling. The application has been considered as an extension only and there are inadequate parking and amenity facilities for an additional dwelling on the site."

6. The internal ground floor door between the proposed converted garage and the main dwelling currently known as 6 Blenheim Court, Willand, EX15 2TE, as shown on the proposed floor plans drawing number 003, dated and received by the Local Planning Authority on 22.01.16, shall at all times be retained as a door capable of opening.

**Reason:** To ensure that the garage conversion and first floor extension is not separated from the main dwelling, and remains accessible from the main dwelling at all times. The application has been considered as an extension only and there are inadequate parking and amenity facilities for an additional dwelling on the site."

(Proposed by Cllr R L Stanley and seconded by Cllr J M Downes)

Notes:

- (i) Cllr Warren (Willand Parish Council) spoke in objection to the application;
- (ii) Cllr R J Chesterton spoke as Ward Member.

144 **THE DELEGATED LIST (3-55-49)**

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

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

145 **MAJOR APPLICATIONS WITH NO DECISION (3-56-45)**

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

It was **AGREED** that application 16/00352/MFUL (Castle Primary School) be determined by the Committee and that a site visit take place.

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

146 **APPEAL DECISIONS (3-58-14)**

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.

**147 APPLICATION 15/01034/MFUL - ERECTION OF A 500KW ANAEROBIC DIGESTER AND ASSOCIATED WORKS WITH 4 SILAGE CLAMPS. REVISED SCHEME TO INCLUDE THE CHANGE OF ORIENTATION OF THE LAYOUT AND INSTALLATION OF 2 DRIERS AT LAND AT NGR 299621 112764 (RED LINHAY), CROWN HILL, HALBERTON (3-58-48)**

The Committee had before it an \* implications report of the Head of Planning and Regeneration following discussions at a previous meeting where Members were minded to refuse the application.

The Principal Planning Officer outlined the contents of the report highlighting by way of presentation the original application that had been approved and the revised application which showed the reorientation and slightly larger site, the bund and the additional planting. He outlined the area from which the silage feedstock would be sourced, the proposed layout of the site, the 2 driers and silage clamps, the planting plan and general photographs were shown taken from the canal and bridges at different times of the year. The two site plans were also identified, the original approved application and the revised scheme. He outlined the Committee's reasons for refusal and the supporting evidence outlined in the report along with legal advice that had been received.

Answers to questions posed in public question time were provided:

- The site had been visited by officers at least three times and by the Committee twice
- With regard to the gas line, this had been referred to at a previous meeting but had not formed part of the application
- Road issues at Crown Hill were a highway issue
- The overlapping of land to be used as part of the Eastern Urban Extension; this was highlighted within the report
- The fact that the application was retrospective, Members/Officers would not advocate a retrospective application but there was an opportunity for the applicant to seek to regularise the scheme
- Planting issues – yes it would take time to screen the application site, possibly multiple years
- How could the original plan be implemented and the condition monitored, the Enforcement Team would monitor any conditions alongside the Environment Agency with regard to permitting aspects
- The appeal decision for Menchine Farm, Members and officers were aware of the Menchine appeal which was dismissed on the impact on the local amenity and transport issues
- With regard to resources to defend an appeal, the Local Planning Authority would put the necessary resources into defending any reasons for refusal.

The Legal Services Manager explained the information received from Counsel and requested that Members focus on the difference between the two schemes, if the application was to be refused it would be necessary to gain expert advice.

Consideration was given to:



- Whether the applicant was continuing work at his own risk; the Head of Planning and Regeneration stated that the applicant was not complying with the previous application and had been advised as such, works had taken place and Members needed to look at the application on its merits
- The gas pipe line between Red Linhay and Willand and because this had not been progressed, the plans had had to be changed
- The impact of the application on the canal and the local area
- The legal advice received
- The need for expert advice on the proposed reasons for refusal
- The need to write again to the applicant advising that they were working on the site at their own risk.

**RESOLVED** that

- a) The application be deferred to seek expert advice on all four of the reasons proposed for refusal;
- b) The Head of Planning and Regeneration be requested to write a further letter to the applicant informing them that they were proceeding at their own risk.

(Proposed by Cllr J M Downes and seconded by Cllr F W Letch)

Notes:

- (i) Cllrs K I Busch, D J Knowles, R F Radford and R L Stanley declared personal interests as applicant/objectors were known to them;
- (ii) Cllr Mrs F J Colthorpe requested that her abstention from voting be recorded;
- (iii) \*Report previously circulated copy attached to minutes.

(The meeting ended at 7.32 pm)

**CHAIRMAN**

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## **MID DEVON DISTRICT COUNCIL**

**MINUTES** of a **MEETING** of the **STANDARDS COMMITTEE** held on 13 April 2016 at 6.00 pm

### **Present**

#### **Councillors**

Mrs S Griggs (Chairman)  
Mrs J Roach, F J Rosamond, C R Slade,  
Mrs F J Colthorpe, L D Taylor, N V Davey,  
C J Eginton and Miss C E L Slade

### **Apologies**

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

R J Chesterton and Mrs M E Squires

### **Also Present**

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

R Evans

### **Also Present**

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

Julia Stuckey (Member Services Officer) and Amy Tregellas (Head of Communities and Governance and Monitoring Officer)

## **17 PUBLIC QUESTION TIME**

There were no members of the public in attendance.

## **18 APOLOGIES AND SUBSTITUTE MEMBERS**

Apologies were received from Cllr R J Chesterton who was substituted by Cllr C J Eginton and from Cllr Mrs M E Squires who was replaced by Cllr C E L Slade for this meeting.

## **19 MINUTES**

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

## **20 CHAIRMAN'S ANNOUNCEMENTS**

The Chairman had no announcements to make.

## **21 REVIEW OF THE POLICY DEVELOPMENT GROUPS**

The Head of Communities and Governance reminded the Committee that she had been asked, at the previous meeting, to undertake some research and benchmarking regarding other local authorities and their committee structures. The Committee had before it a report\* in which the officer presented the information she had compiled, outlining potential changes that could be made to the current structure.

The officer outlined the contents of the report, informing the Committee that this authority was one of very few that had specific Policy Development Groups (PDG's)

as well as a Scrutiny Committee. However, many of the Councils had task and finish groups that worked on specific areas and reported back to Scrutiny.

Discussion took place regarding:

- The need for the area of economy to have a Policy Development Group to report to;
- The need for the PDG's to be in line with the Corporate Plan;
- The financial implications of adding a fourth PDG which included a Special Responsibility Allowance to the Chairman of £3484 but potential savings with expenses by reducing the numbers on Planning and Licensing;
- The difficulty of having a small pool of substitutes for Planning and having to use a substitute from the same political group;
- Private Sector Housing to be moved from Community to Housing;
- The Economy PDG would free up the other PDG's to concentrate on their own work.

It was **RECOMMENDED** to Council that:

1. A fourth Policy Development Group (PDG) be created so that the PDGs matched the priorities set out in the new Corporate Plan – i.e. Economy, Homes, Community and Environment
2. The number of Members on the Planning Committee be reduced from 15 to 11 and that the number of substitutes be increased from 5 to 7
3. The number of Members on the Licensing and Licensing Regulatory Committees be reduced from 15 to 12
4. The changes to come into effect from the start of the new municipal year

(Proposed by Cllr F J Rosamond and seconded by Cllr C J Eginton)

And **RESOLVED** that the political balance of the Planning Committee be discussed with Group Leaders prior to the annual meeting with an aim to seeking a resolution at the Annual Meeting.

(Proposed by Cllr Mrs J Roach and seconded by Cllr C R Slade)

Note: i) \* Report previously circulated and attached to the Minutes.

ii) Cllr Mrs J Roach requested that her vote against recommendation 1 be recorded.

## 22 TRAINING/ASSISTANCE FOR PARISH COUNCILS (0.30.11)

The Head of Communities and Governance had been asked, at the previous meeting of the Committee, to provide information regarding training for town and parish councils. The Committee had before it and **NOTED** information regarding a training session \* that had been delivered to town and parishes after the election last year.

The training covered the code of conduct, register of interests and general areas that it was necessary for them to know. The officer explained that a log of queries that had been raised throughout the year had been used to target training. Many of these queries included dealing with resignations, declarations of interests, co-option, procedural aspects and standing orders. There had also been inquiries regarding the new transparency codes for town and parish councils, which were dependent on financial turnover. Areas also covered included staffing matters, vexatious complainants, data protection and recording of meetings. The Officer explained that they had tried to go above and beyond the normal training provided and give guidance in these areas. She had also raised confidentially and the role of being a councillor.

The Head of Communities and Governance informed the Committee that the Learning and Development team were currently looking into whether it was possible to offer training and development to town and parish councils, in areas such as appraisals.

The Head of Planning and Regeneration provided an annual training session regarding planning.

Discussion took place regarding:

- The need for training in the use of social media;
- A protocol for the use of social media which was currently being written and would be distributed when prepared;
- The need to coordinate training with the Devon Association for Local Councils (DALC);
- Those that required the training the most were often the ones that didn't attend;
- Training for clerks to be held in June;
- Register of Interest forms that were still outstanding;
- The possibility of providing a certificate to show that clerks had attended training;
- The need for District Councillors to be aware of procedures for the town and parish councils that they attended;
- Parish Matters and the liaison that took place with parishes.

Note: \* Information previously circulated and attached to Minutes.

## 23 **REVIEW OF THE MICROPHONES AND STANDING AT COUNCIL (0.52.39)**

At the last meeting of the Committee concerns had been raised regarding Members standing at Council. The new microphone system was designed to be used seated but Members preferred to stand when addressing the Chairman. It has agreed that Members would stand at the February meeting and this would be reviewed.

The Head of Communities and Governance informed the Committee that she had listened to the recording of the February meeting and that the quality of the recording was clear. She considered that it would be satisfactory for Members to stand if they so wished.

Discussion took place regarding the recording of meetings and it was **AGREED** that a boundary microphone was required in order that the entire meeting be recorded. Currently recording only took place when a microphone was turned on, which left areas of silence on the recording, and also that an advisory note be placed on the website to explain this.

It was **RESOLVED** that Members continue stand to speak at Council, subject to individual needs.

(Proposed by Cllr Mrs J Roach and seconded by Cllr C R Slade)

## 24 **COMPLAINTS (1.01.19)**

The Head of Communities and Governance and Monitoring Officer informed the Committee that she was currently looking into one complaint from a parish council and one regarding a District Councillor.

The officer informed the Committee that she had received reports of confidential information being passed to town and parish councils by District Councillors and that she would be issuing a reminder to all Councillors that information given in confidence must not be shared, even with parish councils.

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

Guidance for Councillors regarding what was a vexatious complaint  
Update regarding potential changes to legislation for disqualification and sanctions for Councillors

(The meeting ended at 7.15 pm)

**CHAIRMAN**

## MID DEVON DISTRICT COUNCIL

**MINUTES** of a **MEETING** of the **REGULATORY COMMITTEE** held on 29 February 2016 at 10.00 am

### **Present**

#### **Councillors**

D R Coren (Chairman) Mrs E M Andrews, R J Chesterton, Mrs F J Colthorpe, T G Hughes, P H D Hare-Scott, C J Eginton, Mrs B M Hull, Mrs G Doe, J L Smith and L D Taylor

### **Apologies**

#### **Councillors**

N V Davey and J M Downes

### **Present**

#### **Officers**

Thomas Keating (Lead Licensing Officer), Simon Johnson (Legal Services Manager), Jacqueline Taylor (Licensing Officer) and Sarah Lees (Member Services Officer)

## 12 **APOLOGIES AND SUBSTITUTE MEMBERS**

Apologies were received from Councillors N V Davey and J M Downes.

## 13 **PUBLIC QUESTION TIME**

There were no members of the public present.

## 14 **MINUTES**

The minutes from the meeting held on 15 October 2015 were confirmed as a true and accurate record and **SIGNED** by the Chairman.

## 15 **ENFORCEMENT UPDATE (00:03:00)**

The Licensing Enforcement Officer provided the following verbal update regarding recent and current enforcement action:

- Due to a licence expiring, a caution had been issued to a Private Hire Operator, however, due to personal circumstances the operator had not undertaken any official pre-booked journeys in the intervening period.
- Working in partnership with the Police, an exercise had been undertaken to randomly spot check licensed vehicles. Twenty nine vehicles had been inspected with only minor issues, such as blown bulbs, being reported. Feedback from the public had been positive. It was hoped that further checks would take place in the near future working jointly with the DVSA. It was suggested that the Department for Work and Pensions (DWP) could assist in future exercises of this nature.
- Evidence of possible cocaine use had been detected recently in pubs in Tiverton and Cullompton. Licensees had been advised to be extra vigilant.

16 **TO ADOPT THE UPDATED POLICY AND CONDITIONS RELATING TO HACKNEY CARRIAGE AND PRIVATE HIRE OPERATIONS (00:14:45)**

The Committee had before it a report \* from the Head of Human Resources and Development putting forward an updated policy with regard to Hackney Carriage and Private Hire Operations. It was explained that certain key features needed to remain within the policy such as the importance of compulsory inspections and the age limit for vehicles (that is, they must be five years old or younger). However, the structure and layout of the policy needed updating and much more information needed to be supplied in order to better inform the Hackney Carriage and Private Hire sector. Essential information, such as conditions and dress code were now included as a set of appendices at the back of the policy. This would aid updating in the future. It was hoped that a small booklet would be produced in the near future summarising the key points.

In addition, the policy now included expanded sections in relation to the following:

- Detailed advice on how to apply for a licence;
- The aims and objectives of the licensing policy and the five core principles (“public safety” being the top priority);
- The policy now provided clearer guidance on how to determine whether an individual was a ‘fit and proper’ person to hold a licence. Driver’s had access to a lot of personal information such as where a person lived therefore the licensing authority needed to satisfy itself in this regard particularly;
- The use of e-cigarettes and vaporisers had been banned;
- There needed to be clearer information supplied by the applicant regarding previous convictions, arrests and cautions;

Three responses had been received in response to the consultation on the document. Some useful suggestions had been made with regard to the checking of MOT documents and as a result it was suggested that the policy be amended to make it clear that the MOT could be checked online by the Council and that drivers do not need to provide documentation, unless it was directly requested by the Council for some reason. In addition, following a further comment made by a consultee, it was suggested that, similar to the MOT system, the vehicle test could be conducted and submitted a maximum of 28 days early, preserving the original due date. The next vehicle test would then be due 6 months after the original due date saving a driver the loss of any time for having submitted the test early.

Discussion took place regarding:

- The importance of producing a summarised booklet although this needed to be printed in the most cost effective manner involving possible collaboration with other local authorities;
- The use of ‘Uber’. It was explained that this was an online vehicle dispatch company which allowed customers with smartphones to submit a trip request, via an app, which was then routed the ‘Uber’ drivers who used their own cars to pick customers up. Credit cards could be debited at source rather than having to exchange cash. However, there were some concerns about the safety of passengers and since the booking was taken via a satellite it was not clear ‘where’ the booking actually took place;



- The Hackney & Private Hire Newsletter – one taxi driver had commented that it had seemed quite negative. Better thought needed to be given to how the licensing authority engaged with taxi drivers. Very little feedback was ever received therefore alternative methods needed to be found to ensure the mutual exchange of information. It was suggested that as part of the summary booklet, tips could be provided on how taxi drivers can ensure their own personal safety;
- Banning the use of e-cigarettes and vaporisers - factors such as image, professionalism, acceptable behaviour were deemed to be important;
- The use of taxi ranks by 'off duty' taxi drivers;
- The Rotherham case and how the lessons learnt from this have informed policy in licensing authorities.

**RESOLVED** that, following consideration of the proposed changes in the draft policy document, the reviewed policy be approved.

(Proposed by the Chairman)

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

(The meeting ended at 10.46 am)

**CHAIRMAN**

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To be approved by Council if the recommendation of the Standards Committee regarding an additional PDG is approved.

MID DEVON DISTRICT COUNCIL – REVISED SCHEDULE OF MEETINGS – 2016/17

Ratified by Council

MEETING	Normal day and Time	1	2	3	4	5 2017	6 2017	2017
Planning Committee <i>(first meeting of cycle)</i>	Wed 2.15pm	11 May	6 July	7 Sept	2 Nov	4 Jan	1 March	
Planning Committee <i>(second meeting of cycle)</i>	Wed 2.15pm	8 June	3 August	5 October	30 Nov	1 Feb	29 March	19 April
CABINET <i>(first meeting of cycle)</i>	Thurs 2.15pm	12 May	7 July	1 Sept	27 October	5 Jan	2 March	
CABINET <i>(second meeting of the cycle)</i>	Thurs 2.15pm	9 June	4 August	29 Sept	1 Dec	2 Feb	30 March	
PDG 1 Managing the Environment	Tues 2.00pm	17 May	12 July	6 Sept	8 Nov	10 Jan	7 March	
PDG 2 Decent & Affordable Housing	Tues 2.15pm	24 May	19 July	13 Sept	15 Nov	17 Jan	14 March	
PDG 3 Community Well-Being	Tues 2.15pm	7 June	2 August	27 Sept	29 Nov	31 Jan	28 March	
<b>PDG 4 Economy</b>	<b>Thurs 2.15pm</b>	<b>26 May</b>	<b>21 July</b>	<b>15 Sept</b>	<b>17 Nov</b>	<b>19 Jan</b>	<b>16 March</b>	
Scrutiny	Mon 2.00pm	23 May	18 July	12 Sept	7 Nov	16 Jan	13 March	
Scrutiny	Mon 2.00pm	20 June	15 August	10 October	12 Dec	13 Feb	10 April	
Audit Committee	Tues 5.30pm	31 May	28 June	26 July	20 Sept	22 Nov	24 Jan	21 March
Away Days	Fri 9.30am		22 July				10 March	
COUNCIL	Wed 6.00pm	29 June	31 August	26 October	14 Dec	22 Feb	26 April	10 May 2017

NoteS:

Annual Meeting in 2016 is on **Tuesday 10 May 2016**

The new PDG is proposed for a Thursday to allow for time to make recommendations to Cabinet within the cycle.

Annual meeting dates amended to put the meeting the other side of any election that is taking place due to room issues and resources.

Amended dates for Cabinet and Scrutiny in Cycle 4

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## **Chair of Audit Committee Report 2015/16**

It seems to be that time of year again when as Chair of Audit I am required to attempt to give a brief ( bear with me on that) report on the continued workings of the Audit Committee.

As with all committees without the hard work of officers there would be very little to report, therefore I must make it my first duty to offer on behalf of the committee a very grateful thank you to the following officers: Andrew Jarrett, Amy Tregellas, Catherine Yandle, Nicky Chandler and Suzanne Kingdom, all of whom work extremely hard to ensure reports are available, explanations known and respective Committee Chairs do not look complete plonkers.

We also need to recognise the work and expert explanations offered by our very helpful outside Auditors, Grant Thornton, we mainly see Steve Johnson and Geraldine Daly, both of whom offer members sanity in a world of occasional confusion, thank you both.

I save a special and very heartfelt thank you for Sarah Lees, without whom the efforts of all would on many occasions result in total confusion and very little else, my personal thanks and I am sure those of all committee members to Sarah.

The year was one of much change in the world of MDDC and Audit was no exception, we moved meeting time, changed personnel and increased our numbers from a committee of five to seven.

This year's report starts with the March meeting, those with a burning desire to check out January's meeting of 2015 will of course know this was reported on in last year's annual statement.

### March

March saw the final meeting prior to the elections.

The Committee accepted the Code of Governance and discussed at length the Risk and Opportunity Report. It should be noted that some twelve months ago the Committee at this time recognised the fundamental requirement for the Council as a whole to move forward looking for opportunities to increase income, develop trading partnerships and become less risk averse.

Committee heard the latest update on the Annual Governance Statement and went into much detail on performance reports received. These included a continued concern on household waste figures and the figures for retained members at MDDC leisure facilities, members will note with interest that 2016 has already seen a similar debate on both subjects.

The Committee received a number of reports from completed internal audits. This month saw audits on council tax, payroll, housing benefits, please refer to meeting detail for full reports.

The Internal Audit Strategy and Plans were discussed for the Audit Team's work for 2015/16 reporting year and agreement was reached on plans presented.

We received a report from Grant Thornton informing members of new and demanding time scales for audit completion and opinions to be finalised. A new and very challenging target of final reports completed by end of July is known to be required within a few years so Grant Thornton and MDDC Officers have agreed to trial the new time scales for this year's reports.

No Audit meeting would be complete without reference to fees and Grant Thornton had to report additional charges to the set annual fee of £3,500 for additional work. This was related to the Tiverton Information Centre and a member challenge on car park discounts.

## June

The first meeting post election and the first meeting of having seven committee members up from the previous five.

Committee welcomed back Cllr Deed and I was also fortunate to be back sat around the table, we welcomed some returned members who were joining Audit, Cllrs Radford and Hughes, with a very special welcome to newly elected members Cllrs Mrs Collis, Letch and Cllr Mrs Binks (as opposed to past member Cllr Mr Binks).

The June meeting is a very difficult meeting to be introduced to Audit Committee. It has some extremely lengthy reports that are both complex and shall we say in depth, it should only get better I assured all members.

I was grateful to be re-elected as Chair for the municipal year 2015/16. Unfortunately we were unable to elect a Vice Chair as not all members were present so this was deferred.

Members received a detailed report on performance and risk and some concern was raised over reported performances in food premises inspections and the MDDC annual sick absence figures, there was much debate on both and the sick absence figures were referred to the Chair of Scrutiny to ask that this committee look in more detail at the figures presented, such was the committees concern.

The Annual Governance Statement was approved.

Andrew Jarrett presented the annual accounts a document that is some 111 pages long, should members wish to refresh their memories a copy can be found in the Audit reports from the June 2015 meeting.

Andrew gave a very detailed picture of the MDDC financial position and detailed the difficulties currently known going forward. It was again recognised that MDDC need

to be looking at income opportunities going forward (see previous notes from March meeting.) Members received a report from Grant Thornton and confirmation of the works being undertaken to meet the new deadline of July's end.

### July

I am delighted to report that committee elected Cllr Mrs Binks as Vice Chair Committee received an update on the Annual Governance Statement. We also agreed the annual accounts following some minor alterations to the report presented in March's meeting. It was agreed the letter of representation could be signed.

Grant Thornton gave a brief update on external audit findings and committee received internal audit reports on, vehicles and fuel and recruitment.

As previously stated not many meetings go by without reference to fees, on this occasion Grant Thornton gave detail of the agreed fees to be paid by MDDC for their services for 2015/16, it should be noted that these fees are set by the Audit Commission and Councils are unable to negotiate separately at this time.

The MDDC fees had been set at £47,700 with a further fee of £7,418 for the grant certification work, total of £55,118, this against a previous year's fees of £63,600.

### September

Committee received the Quarter 1 Performance and Risk.

Internal audit reports on Legal Services, Culm Valley Leisure Centre and Insurance. It was at this point that Committee discussed the requirements of members to hold the necessary insurance to undertake council business in their own cars.

Grant Thornton gave a report on external work.

Committee debated a recurring subject of audit recommendations not being undertaken in a timely manner. Past committees had indeed sought an explanation from the then Chief Executive Kevin Finan as to why so many recommendations had not been completed sometimes after years of appearing on audit reports. It should be noted that the number of outstanding actions had reduced significantly, however, the senior officers present were asked to remind all Heads of Service that such recommendations should be completed unless exceptional circumstances prevented this and going forward explanations may well be sought on future delays.

A discussion took place in the ability of councils to independently appoint external auditors, although it remains a central government ambition for 2017/18 the reality seems to be a three year extension to having this ability seems likely with the audit commission continuing to appoint as now.

### November

I gave committee a brief report on a training course I had attended in October run by Grant Thornton. The course was free and very informative on how councils of all

sizes are facing up to the challenges of austerity and generating income by new and expanding initiatives.

I also informed Committee that I had requested that consideration be given to my attendance at a seminar run by the Local Government Association to look at income generation across councils giving detail of known projects. It was agreed that myself and Andrew Jarrett were to attend.

We received the Quarter 2 Performance and Risk Report, internal audit reports on payroll, housing rents, grants and donations, and hospitality were discussed. Grant Thornton gave details of the Annual Audit Letter and an update on current works

### January (2016)

First meeting of 2016 and last for this report.

It was a treat to meet the Internal Audit Team. Catherine Yandle is a regular attendee however the other team members of Nicky Chandler and Suzanne Kingdom were present to give a presentation on how they look to formulate and complete the strategic audit plans of core and systems audits. A detailed and very well explained presentation was very well received.

Committee received and discussed internal audits on council tax, NNDR, treasury management and income and cash collection.

There was an update on member's compliance of business insurance and I agreed to raise at full council given the current low numbers of responses received.

There were no reports from Grant Thornton due to illness, committee were assured there was nothing that was urgent and all business could be deferred to the meeting in March.

The above is a brief (just my opinion) on the workings of the Audit committee, we rarely see any members of the public and infrequent visits from other members. The committee do not and are not a decision making forum. However the role is one of increasing importance to check, challenge and hold to account all departments and aspects of council work.

Having thanked officers and external staff it would be remiss of me not to thank all members for their continued efforts and hard work, it is only with your effects that the circle is completed.

We must continue to learn from yesterday's work and stride to improve all that we do tomorrow.

Bob Evans  
Chair MDDC  
Audit Committee



# Scrutiny Annual Report

**18 April 2016**

In reviewing the last year how would we recognise successful scrutiny?

- Has it influenced outcomes through policy development review, performance review and by internal and external challenge?
- Has it influenced process through informed debate, Member involvement and public involvement?
- Has it implemented the four principles of good scrutiny: - providing a critical friend challenge to the Cabinet as well as external agencies and holding the Executive to account?
- Reflected the voice and concerns of the public?
- Taken the lead on behalf of the public?

This represents a challenging agenda for a committee which meets but monthly and whilst well supported by our Member Services colleague, Julia Stuckey, and the professional contribution of officers, is unable to call upon the resources of a dedicated Scrutiny Officer. Regrettably a proposal to deploy an intern from Exeter University failed to attract any interest. Much therefore depends on the enthusiasm and integrity of Scrutiny Committee Members and its effectiveness on their capacity to act in a non-party political way. It is therefore encouraging to report that the Committee made determined strides to achieve the above agenda and had a full and busy year.

A noticeable feature is the respect which Members of the Cabinet demonstrate when they are held to account on their portfolio and the vigour with which they are challenged by Members – similarly replicated when officers are challenged. However it is important that such dialogue is conducted with mutual respect and understanding of different roles.

Apart from these regular interrogation of members of the Cabinet on the effective performance of their portfolios, the Committee has directed attention to the following:

- Staff survey outcomes to assess the morale and well being of staff, coupled with staff sickness
- Conservation and Listed Building issues, particularly in respect of Cullompton
- Progress towards Digital Transformation to generate efficiencies in working methods and a concern that there should be a concomitant recognition of the needs of those members of the public unfamiliar with digital methods. There was also regard for its impact on Town and Parish Councils and the technical and financial support available to them.

- An update on Economic Development , a key objective of the Council – an opportunity to commend the raised profile of MDDC in encouraging business development of Tiverton Town Centre and the District as a whole and raising the profile across the South West
- A timely presentation on Safeguarding of Children and vulnerable adults which indicated the active concerns of MDDC but identified an absence of effective coordination machinery countrywide.
- Planning issues were uppermost on Members minds representing public concern, particularly the impact on local communities of Anaerobic Digesters. A request is to be made to the Environment Agency for MDDC to lead into the environmental permit regime and that it should take a lead in the coordination of all the agencies involved including the Environmental Health Service, Devon County Council, Public Health England and the Driver Vehicle Standards Agency. The Scope of important planning conditions to be reviewed to develop best practice for future application. There was also a call for a report regarding the enforcement Services delays in enforcement and plans to rectify this.
- A call for the update of the Town and Parish Charter and circulation to all Members.
- Links with local business and the new role of Tiverton Town Centre Manager to identify and address business needs and plans for the future. Regular information on the Pannier Market to be provided.
- Reassurance was sought on the implementation of RIPA (Regulations of Investigatory Powers Act) with MDDC and ongoing reassurance of its use, however now deployed exceptionally and under magistrate direction.
- Concern for people in low paid employment or self-employed with no hope of buying their own home and the diminishing quantity of social housing was raised with the Minister responsible to little effect unfortunately. A second letter has been sent at the Committees request.

### **External Representations**

The Committee invited and subsequently interrogated important representatives in the public sector who contribute to the community in Mid Devon.

- We welcomed both MP's – a first – in Neil Parish and Mel Stride who responded to members questions previously submitted and also to subsequent questions. A number of issues raised were taken back and answers sought e.g. Superfast Broadband.
- The Committee received an extensive report from the Police and Crime Commissioner, Tony Hogg, on the day prior to his appearance at the House of Commons to challenge the Police funding mechanism. With declining finance he explained the pressure facing the force including growing issues

such as mental health and domestic violence, child sexual exploitation, fraud and drugs. He also floated the concept of a referendum to address the funding issue as an alternative to the potential loss of 12-1300 jobs.

- The Committee were also able to question John Finn Managing Director of the Eastern Division of the Local Clinical Commissioning Group, a discussion once again dominated by resources or the absence thereof, but importantly he offered to bring subsequent sessions all the partners engaged in the wellbeing of the community – Public Health, NHS and Social Care – as a recognition that good involves a multi-agency approach.

### **Task and Finish Group**

The investigatory work of Scrutiny is often addressed via a task and finish groups and 2 groups have been established to examine key aspects of MDDC's business planning, namely reviewing efficiencies and partnership working. I appreciate the extra time that Members donate to this activity, the report of the former to be published shortly.

### **Call-in**

Call in is in one sense the 'nuclear button' which should only be used rarely and when the Executive is out of line with expected behaviour and needs to be hauled back from an ill-conceived action. It has been used twice this year – to challenge the Premier Inn proposed adaption to the multi-story car park which had not been flagged up as a key decision – a challenge not supported by the Committee. Secondly, concerns that car park charges in long stay car parks were contrary to the economic development priority of the Corporate Plan which the committee supported but fell at the Cabinet meeting. Although neither 'call in' succeeded within its own terms its potential use serves as a reminder that Scrutiny can both work with and equally hold the executive to account – part of the checks and balances of the Constitution.

In conclusion I hope the above demonstrates the efforts made by the Scrutiny Committee to adhere to the 4 principles and to achieve value to the community. Its agenda is determined by Members bringing forward issues of interest and concern from their contact with the public. I would like to thank Members of the Committee for their commitment, officers for their professionalism and especially Julia Stuckey who works tirelessly to keep the process on track.

Frank Rosamond  
Chairman

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## **Managing the Environment**

### **Chairman's Annual Report**

**8 March 2016**

As Chairman of the above Group I wish to submit my report to Council for the year 2015-16.

This year has been a difficult one as Members have had to make decisions that involve cutting services in order to save money. This Policy Development Group has made recommendations regarding car parking, play areas, waste and recycling and grass cutting all with the aim of reducing outgoings or increasing income.

#### **Waste and Recycling Scheme**

The biggest change this year has been the introduction of the Waste and Recycling Scheme, including the 'charged for' garden waste collection. This scheme has been introduced to schedule and the garden waste scheme is on target to meet its budget. Householders are recycling more and are pleased to be able to recycle plastic. The entire district now receives the same collection regime and to date over 6000 households have signed up to have their garden waste collected at a charge. Although the charging of this service was introduced in the last year's PDG, nevertheless, we endorsed the recommendation at the same time discussed and recommended what we felt was a fair pricing structure, something that has been free for 10 years.

Had this Council not taken this bold decision, we could well have been in a difficult financial position. Although we are recycling more the price of the recyclables has dropped considerably, the extra that we are recycling, has to a degree, helped to maintain our income, and reduced our landfill charges.

Our thanks go to the Waste and Recycling Team who have worked hard to deliver containers and reschedule rounds to meet the demands of the new service.

#### **Play Areas**

This year we also had to make tough decisions regarding play areas. Officers presented reports recommending closure of some play areas and a managed decline to others. We received representations from some local town and parish councils who subsequently have been able to come to agreements to lease the play areas themselves and therefore keep them open. The Officers set out a clear way forward with all the facts and figures, which enabled this PDG to make informed recommendations to Cabinet.

## **Grass Cutting**

Devon County Council had paid Mid Devon's Grounds Maintenance Service to undertake grass cutting of verges in the towns and villages for a number of years. This year, following their Tough Choices consultation they withdrew this funding. Mid Devon made the decision to cover the cost for one year but consultation with towns and parishes has now taken place to negotiate where the parish/town can contribute towards the cost of cutting the grass and where it will be withdrawn. It was regrettable that County made this decision, the majority of the public will always consider it to be MDDC's responsibility to cut the verges, but it actual fact it is County's. Our responsibility is Parks, Play Areas and Open Spaces, which we will still do.

## **Car Parking**

Car parks in Mid Devon had not seen increases in charges for a number of years but this is another area that the group needed to investigate with regards to increasing income to the authority. A Working Group of the PDG met on a number of occasions and took a thorough look at all of the options available to them. Following a significant level of work and research the Group recommended a pricing structure to Cabinet. Once in place this new charging structure should generate additional income for the council which can be reinvested in other services. Part of our remit has been discussions with the some Parishes and Town Councils over Amenity Carparks, which has been costing money for which we got no income, this has not totally been resolved, but should be in the near future.

Other areas of work undertaken by the Group over the last 12 months include:

- Press releases and communications work regarding the use of sky lanterns, in particular around the time of summer festivals.
- A review of air quality within the District and in particular the area of the new road in Crediton has been ongoing and this Group will continue to receive reports in the future.
- Following debate at the PDG a working group was set up to investigate food waste and this group will report back later in the year.
- A waste and recycling enforcement policy has been implemented which now allows officer to have more power to insist that householders recycle.
- Wildflower beds have been laid in local parks.
- Procedures for the collection of clinical waste have ben formalised.
- The PDG has also undertaken quarterly review of financial monitoring and performance and risk.

- The Group held healthy debate regarding the setting of next year's budget.

This PDG does recognise the efforts and co-operation that the Parish and Town Councils have given us, in understanding the difficult position this District Council is in, with the cuts we have had to contend with from Central Government, 40% cuts in five years has been difficult to manage without cutting our frontline services.

I would like to thank Members who have given their valuable support and keen insight into the matters covered and discussed.

I would like to thank all staff at Mid Devon District Council, particularly to Julia, who has taken over from Sally, and kept us on the straight and narrow, who are endeavouring to do more with less.

Many thanks

Ray Radford

Chairman

March 2016

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## Chairman's Report 2016

As i sit down to right this report i look back over a very busy and interesting year for the PDG which has seen a number of new Councillors joining us following the May elections, i hope they have enjoyed their time spent in PDG meetings and that it has helped to inform them both of the work of our housing service and of the need to have strong policies in place to regulate how the service is run to provide a fair and worthwhile system to deal with all aspects of our housing provision.

As a committee we have met every 2 months and have had a great deal of work in updating and recommending for approval a great number of policies and strategies including anti-social behaviour, domestic abuse, hoarding, pets and animals, car park and garages as well as our main tenancy policy all of which have to reviewed on a regular basis to take into account changing regulations and needs.

One of the main subjects we have spent a lot of time on this year has been spent looking at the criteria of applicants who are registered on the Devon Home Choice system and if we should retain those who are given a band E Rating. This has resulted in our officers carrying out a still ongoing review of the band E applicants and has removed a lot of dead wood from the system which has reduced our housing waiting list, this work will continue for some time and our PDG will receive regular updates.

We have seen the completion of our housing scheme in St Andrews street along with the starting of a new housing site at Palmerston Park which will provide 14 new affordable houses to let. Our recent build of 6 new houses in Willand came runner up in Devon's Best Rural Development Competition.

Financial monitoring as ever has featured regularly in our agendas and in these still uncertain times good management of our finances are paramount in sustaining the service we provide in a very challenging budget situation which will continue for some time to come, i am grateful to Andrew Jarrett and his team for keeping us very aware of the constraints we have to work within and a special thanks must go to Roderick Hewson for the clear and understandable way he presents his reports to us.

We have this year had reports from or Tenants Together team who have looked at various aspects of our housing service from a tenants point of view, I have attended some of their meetings whenever i can and I thank them for their warm welcome and for the excellent reports they have given us.

Our housing team led by Nick Sanderson have worked hard not only to provide us with reports and policy amendments but on a day to day basis continue to see that our tenants receive a first class service in all aspects of our housing service especially in repairs and prompt response to achieve customer satisfaction when very occasionally our service falls below the high standards we seek to achieve. I think our quick action on those occasions stand us in good stead as a first class housing provider.

I would like to thank our cabinet member Ray Stanley for his continued regular attendance at our meetings and for his wide knowledge base which from time to time proves invaluable, with his hand firmly on the tiller we will steer a straight course though the choppy waters of the economic situation we all find ourselves in and we will emerge the other end stronger and in a good position press forward will plans to see our housing department thrive and be one that other authorities benchmark from.

Finally my thanks must go to Sarah Lees for all her hard work and dedication both within committee and at all times when as Chairman i need a bit of advice or something finding, thank you Sarah I would be lost without you.

Peter Heal

# Chairman's Annual Report

## Community Well-Being

The year started with an entirely new committee membership, including myself as Chairman. I would like to thank all members of the PDG for their input.

Over the past year we have continued to receive presentations from the various organisations to which we allocate grants.

In June we welcomed Churches Housing Action Team (CHAT) and INVOLVE (Voluntary action in Mid Devon) followed in August by AGE UK and the Tiverton Tourist Information Service. In October the Market Drop-in Centre and the Community Housing Night Service gave a presentation.

Our November meeting was dominated by the allocation of the grants budget for 2016/17. After much discussion, including a lengthy debate regarding the grant to the Grand Western Canal, the PDG could not come to an agreement as to the allocation of funds. A working group was set up to look further into the matter. We convened another meeting in December, where it was agreed that the grant for the Grand Western Canal would be removed from the grants budget and be funded from the New Homes Bonus. All other allocations were approved. It was also agreed that the Community Well Being PDG would be involved in initial discussions regarding future grants for following years. It was also agreed that more detailed monitoring should take place on the organisations that are in receipt of grants.

At the February meeting we were introduced to the new Public Health Officer, who will be working with Devon County Council, along with other outside bodies. Public Health will be very much on the agenda in the coming year. We will be looking at how we can do things differently and how we work more closely with other agencies, especially regarding health and social matters.

February is the month that we have to agree the budget each year, prior to it going to Cabinet and Full Council. I would like to thank Andrew Jarrett and his team for keeping us informed throughout the past year.

Also in February we discussed Leisure pricing for our three leisure centres. We recommended the basic fees, lets and charges be increased by 5%. There were also some adjustments to be made to the 60+ membership regarding pricing. This was not an easy decision to make but we have to work towards Leisure becoming self-financing by 2020.

I would like to close by thanking the many officers who have helped us over the past year. My thanks also go to Julia Stuckey, our Committee Clerk for her help and advice.

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