

# Public Document Pack

Mid Devon District Council

## Special Meeting of the Scrutiny Committee

Thursday, 10 September 2015 at 10.00 am  
Phoenix Chamber, Phoenix House, Tiverton

Next ordinary meeting  
Monday, 5 October 2015 at 2.00 pm

Those attending are advised that this meeting will be recorded

### Membership

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

### A G E N D A

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

- 1      **APOLOGIES AND SUBSTITUTE MEMBERS**  
To receive any apologies for absence and notices of appointment of substitute Members (if any).
  
- 2      **PUBLIC QUESTION TIME**  
To receive any questions relating to items on the Agenda from members of the public and replies thereto.  
  
Note: A maximum of 30 minutes is allowed for this item.
  
- 3      **MINUTES OF THE PREVIOUS MEETING** (*Pages 5 - 8*)  
To approve as a correct record the Minutes of the last meeting of this Committee (attached).

The Committee is reminded that only those members of the Committee

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

4 **DECISIONS OF THE CABINET** (*Pages 9 - 16*)

A Decision made by the Cabinet on 27 August 2015 in respect of the following report was called in by the Chairman of Scrutiny for consideration by the Scrutiny Committee in accordance with the Council's Constitution.

**Tiverton Town Centre Update, specifically recommendation 2:**

That authority be delegated to the Head of Housing & Property Services, in consultation with the Cabinet Member for Housing and the Cabinet Member for Planning & Economic Development, to agree disposal to Premier Inn for 125 years of part of the multi-storey car park for the provision of a hotel.

The reason for the call in is:-

The decision made commits the council to a long term commitment without the evidence base being presented. There was no evidence of a business case or consultation with appropriate bodies or that Members had been fully informed of this important proposal.

Attached is the original report to Cabinet and a briefing paper from the Head of Housing and Property Services

5 **ANAEROBIC DIGESTER**

Councillor B A Moore has requested that the Committee discuss anaerobic digesters. He asks that this is focused on the Greener for Life's operation of Anaerobic Digesters and the lack of timely response in general to public concerns reported to Council's officers regarding noise, smell, health, pollution, and traffic.

**Kevin Finan**

Chief Executive

Wednesday, 2 September 2015

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

proceedings is asked to advise the Chairman or the Member Services Officer in attendance so that all those present may be made aware that is happening.

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

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

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

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

Tel: 01884 234209

E-Mail: [jstuckey@middevon.gov.uk](mailto:jstuckey@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 **SCRUTINY COMMITTEE** held on 24 August 2015 at 2.00 pm

### **Present**

#### **Councillors**

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

### **Apologies**

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

Mrs N Woollatt

### **Also Present**

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

R Dolley

### **Also Present**

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

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

## 42 **APOLOGIES AND SUBSTITUTE MEMBERS**

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

## 43 **PUBLIC QUESTION TIME**

There were no questions from members of the public present.

## 44 **MINUTES OF THE PREVIOUS MEETING**

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

## 45 **CHAIRMAN'S ANNOUNCEMENTS**

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

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

(Proposed by the Chairman)

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

## 46 NEIL PARISH MP

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The Chairman thanked the MP for his attendance.

(The meeting ended at 4.12 pm)

**CHAIRMAN**



## **Cabinet 27 August 2015**

### **Tiverton Town Centre update**

**Cabinet Members** Cllr R Stanley / Cllr R Chesterton  
**Responsible Officer** Head of Housing & Property Services

**Reason for Report:** To provide Members with an update on the current position in relation to the proposals for the regeneration of Tiverton town centre.

#### **RECOMMENDATIONS:**

- 1. That Cabinet note the contents of the report;**
- 2. That authority be delegated to the Head of Housing & Property Services, in consultation with the Cabinet Member for Housing and the Cabinet Member for Planning & Economic Development, to agree disposal to Premier Inn for 125 years of part of the multi-storey car park for the provision of a hotel.**

**Relationship to Corporate Plan:** A thriving economy is one of the Council's key priorities within the Corporate Plan.

**Financial Implications:** None arising directly from this report. However, future projects requiring major financial input would require a detailed business case and if approved would form part of the Capital Programme.

**Legal Implications:** None to this report.

**Risk Assessment:** A full risk assessment will be undertaken as the projects in the scheme are developed. Failure to support a regeneration of Tiverton town centre could lead to deterioration in commercial activity, a less vibrant centre, with falling income to the Council.

#### **1.0 Introduction**

- 1.1 Members will be aware that the acquisition by the Council of Market Walk, Tiverton was completed in March 2015. This report informs Members:
  - 1.1.1 on how the scheme is being operated, together with proposals for its future management and use;
  - 1.1.2 on the requirement to prepare a master-planning exercise for the town centre; and
  - 1.1.3 on a number of the project objectives detailed within the approved Project Initiation Document (PID) for the regeneration of the town centre.

## **2.0 Project objectives currently being progressed**

### **2.1 Production of a master-plan for Tiverton town centre:**

2.1.1 Officers have formally signed an Access Agreement with the Homes and Communities Agency (HCA) which enables the procurement of a specialist planning consultant through the HCA Framework Agreement.

2.1.2 A 'scoping' document has been prepared outlining the requirements of the master-plan. This document will be used to invite expressions of interest from organisations in the HCA framework. Responses will be scored and the top four consultants meeting the criteria will then be asked to prepare a fully priced submission.

### **2.2 Facilitate an improved cinema offering for the town by working in partnership with Merlin Cinemas:**

2.2.1 Officers have recently met with the cinema operators who are still keen to work with the Council. The operators are looking to commence project planning with an intended start of work within the next 18 months.

### **2.3 Develop a business plan to maximise the Council's property portfolio:**

2.3.1 Refurbishment and letting of flat above 34 Fore Street completed and let.

2.3.2 Improvements to façade facing Fore Street completed.

2.3.3 Rear aspect of flat access de-littered and timber works replaced and painted

2.3.4 Lighting improved under archway from the market through to Fore Street.

2.3.5 Regular meetings with lettings and managing agent for Market Walk.

2.3.6 Use of vacant shop units – High School display and Community Safety Partnership.

2.3.7 Weed spraying to town centre road and footpaths undertaken in absence of DCC work being carried out.

2.3.8 Appointed specialist consultant to develop a feasibility study for the offer at Market Walk.

### **2.4 Work with the private sector to bring forward plans for a hotel in the town centre:**

2.4.1 Officers are in discussion with Premier Inn for an 85-room hotel on District Council owned land adjacent to the multi-storey car park, Tiverton.

2.4.2 Pre-application advice has been given by the Planning service.

2.4.3 Valuation advice is being sought in order to provide the Council with sufficient comfort that the financial proposal offered is reasonable within the context of the delivery of the scheme against other similar market transactions.

2.5 There are a number of other identified project objectives which have yet to be commenced and will be brought forward as and when appropriate.

### **3.0 Project Board and Project Plan**

3.1 Monthly meetings are held by the Project Working Group to deal with day-to-day management issues regarding the Council's property holdings and to progress the creation of a masterplan. A Project Board, whose responsibility will be to make decisions on the proposed masterplan, keep timescales on track and commitment of resources, will be formed.

3.2 A project plan with agreed timescales will be completed and provided to the Project Board in the form of a highlight report on a two monthly basis. The Project Board will oversee future reports to the Cabinet at least six-monthly or as decisions are required, if sooner.

### **4.0 Other Council initiatives and schemes**

4.1 In addition to the project objectives detailed, there are a number of additional initiatives being undertaken for the town centre regeneration. These include:

4.1.1 The recruitment of a Town Centre Manager (TCM) for Tiverton on a two-year fixed term has been concluded and the TCM will start on 7 September 2015.

4.1.2 A Tiverton shop front face-lift grant scheme is being run by the Council's Community Development & Regeneration team.

4.1.3 Planning permission and listed building consent has been obtained for additional lock-up units within the Pannier Market former 'pig pens' together with a further retail unit.

4.1.4 A working group has been set up which includes representatives from the Town Council, Royal British Legion and Burma Star Association with the aim of improving the town space for war memorials and commemorative services. A specialist urban design consultant is being procured through the HCA Framework Agreement to design a suitable scheme based on Angel Hill.

4.1.5 A scheme to convert the Lowman Green public conveniences into a retail unit has been tendered and a start on site is due in September 2015. Officers are currently in discussion with interested parties to lease the converted building.

4.1.6 Coaches are able to use the designated coach bays at William Street coach park, however some further improvements which will make the access easier to navigate are due to be made in the next two weeks.

## 5.0 Consultation

- 5.1 An informal meeting with Tiverton town centre businesses and retailers was held on 12 August 2015 to inform businesses of the aims and aspirations that the Council has for the town centre, together with the progress to date.
- 5.2 It is hoped that this will be the start of more frequent basis with officers and the Town Centre Manager as the project develops.

**Contact for more information:** Nick Sanderson (01884 234960 – [nsanderson@middevon.gov.uk](mailto:nsanderson@middevon.gov.uk))

**Distribution of the report** Cllr R Stanley, Cllr R Chesterton, Management Team

**Briefing Paper for the Tiverton Town Centre Development**  
**Special meeting of the Scrutiny Committee on Thursday 10 September at 10.00am in the Phoenix Chamber to consider the issue.**

Introduction

Premier Inn have over a number of years have been looking to develop a hotel in the centre of Tiverton.

The Head of Planning and Regeneration met with Agents for Premier Inn in August 2014 who had shown interest in developing part of the Multi Storey Car Park, Tiverton (MSCP).

The Councils Management Team gave the go ahead to Premier Inn to look into the feasibility of developing the site.

Jones Lang LaSalle Ltd, Premier Inns Agents, submitted a formal offer for the freehold of part of the MSCP (subject to contract). The offer included a set of plans with a suggested layout for a 73 room hotel.

The transaction was subject to the following conditions:

1. Grant of Satisfactory planning for a 73 bed hotel with breakfast restaurant
2. Licensing
3. Whitbread Group Plc formal board approval

Background on Premier Inn

Premier Inn, as a budget hotel company, is the largest operator in the UK. It is stated that their success storey is based on a great product and high quality service all at affordable price.

Premier Inns have 680 hotels within the UK and an excess of 1500 Costa Coffee outlets which is their sister company.

Premier Inns anticipate 40-50 full and part time jobs will be created and the company employment brochure details the career opportunities at Whitbread which includes;

- Recruitment
- Apprenticeships
- Work placements
- Work Inspiration
- Functional skills

- Career progression

### Timeline

March 2015 – Heads of Terms drawn up to enable Premier Inns to seek Board Approval as an indication that MDDC were willing in principle to sell part of the car park including the remodelling of the remaining car park and access arrangements.

Heads of Terms included;

- Site boundaries
- Vehicular access to remaining car park
- Final sale price subject to valuation and due diligence
- Timetable for completion including occupation
- 125 year lease (not Freehold)

The Heads of Terms have been subject to a number of rewrites to enable a contract and lease to be drawn up subject to necessary approvals.

10 February 2015 – Tiverton Councillor Group - updated on future plans for the Town Centre including an update on Premier Inn.

17 March 2015 – All Member briefing on Tiverton Town Regeneration including Premier Inn.

2 April 2015 Cabinet Report, recommendation agreed to accept the regeneration project initiation document. Project Objective Clause 2.2.11 – Work with the private sector to bring forward plans for a hotel in the town.

29 April 2015 – Full Council – Consideration of reports, minutes and recommendations of previous Cabinet meeting.

A number of pre planning application meetings held between the applicant, MDDC Planners, Environment Agency (EA) and Devon County Council (DCC) on the proposed scheme.

Identified that with the impact of site constraints, remodelling of the car park and EA requirements, Premier Inns business plan could only go ahead with an 85 bedroom scheme.

22 July 2015 – DTZ of Bristol were instructed by Officers to provide valuation advice and assist the Council with providing pre-disposal due diligence advice.

26 August 2015 – DTZ report received

The report outlines the approach taken by DTZ in assessing the Developer's financial offer within the context of scheme delivery (i.e. location, land and other site constraints) and other similar market transactions.

The report ultimately provides an independent view as to whether the financial proposal appears reasonable.

**Conclusion:**

DTZ's high level viability assessment indicates that the proposed deal appears to be adequate against other benchmarked schemes.

Scheme Details

85 Bedroom hotel with restaurant facility incorporating;

- New access to MSCP including highways work
- Construction of new structural elements within the car park( ramp, separating walls and staircase)
- Reconfiguration of car park layout and traffic flow
- MSCP remains a P&D Car Park with no designated parking for Premier Inns
- Current MSCP has 647 parking bays and historically is seldom full
- Proposed demolition and reconfiguration would result in a loss of 66 full bays and 7 ¾ width bays.
- Potential increase in income from hotel guests (80% occupancy – overnight could generate £25 k per annum)
- Little additional cost for car park to remain open 24 hours
- Potential to provide Pay on Foot/ Pay on Exit arrangements
- Improved signage and security including general appearance

Nick Sanderson

Head of Housing and Property

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